



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640 ♦ 989.837.3300 \* 989.837.2717 Fax ♦ [www.cityofmidlandmi.gov](http://www.cityofmidlandmi.gov)

REGULAR MEETING OF THE MIDLAND CITY COUNCIL  
City Hall, 333 W. Ellsworth Street

May 22, 2017

7:00 PM

AGENDA

CALL TO ORDER - Maureen Donker, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL - Thomas W. Adams  
Steve Arnosky  
Diane Brown Wilhelm  
Maureen Donker  
Marty A. Wazbinski

CONSIDERATION OF ADOPTING CONSENT AGENDA ITEMS:

All resolutions marked with an asterisk are considered to be routine and will be enacted by one motion. There will be no separate consideration of these items unless a Council member or citizen so requests during the discussion stage of the "Motion to adopt the Consent Agenda as indicated." If there is even a single request the item will be removed from the consent agenda without further motion and considered in its listed sequence in regular fashion.

APPROVAL OF MINUTES:

1. \* Approve minutes of the May 8 special and regular City Council meetings.  
TISDALE

PROCLAMATIONS, AWARDS, RECOGNITIONS, PRESENTATIONS:

PUBLIC HEARINGS:

2. Zoning Petition No. 611 - to amend the City of Midland Zoning Map by rezoning property located at 510 Bayliss Street and part of 2710 Jefferson Avenue from Community Commercial zoning to Regional Commercial zoning (also see material sent in the April 24 agenda packet). KAYE

PUBLIC COMMENTS, IF ANY, BEFORE CITY COUNCIL. This is an opportunity for people to address the City Council on issues that are relevant to Council business but are not on the agenda.

#### RESOLUTIONS:

- 3. Referring the request to vacate a portion of S. Saginaw Road from Mark Putnam Road to Salzburg Road to the Planning Commission, the City Engineer, and other City departments for their report and recommendation. KAYE
- 4. Approving the Labor Agreement between the City of Midland and the Midland Municipal Supervisory Employees Association. STONE
- 5. Approving the City Manager Candidate Profile. STONE ITEM POSTPONED
- 6. Adopting the City Manager's Proposed 2017-18 Budget. KEENAN

#### Considering purchases and contracts:

- 7. \* Reappointment of Yeo & Yeo PC, CPAs as the City's independent auditors. KEENAN
- 8. \* 2017 Main Street Improvements; Contract No. 21. MCMANUS
- 9. \* Project Management and Construction Inspection Services for 2017 Main Street Improvements. MCMANUS
- 10. \* Community Bridge Mural Projects. MCMANUS
- 11. \* 2017 Jay Street Reconstruction and Water Main; Contract No. 11. MCMANUS
- 12. \* 2017 Washington Street Reconstruction; Contract No. 12. MCMANUS

#### Setting a public hearing:

#### NEW BUSINESS:

#### TO CONTACT THE CITY WITH QUESTIONS OR FOR ADDITIONAL INFORMATION:

Citizen Comment Line:	837-3400
City of Midland website address:	<a href="http://www.cityofmidlandmi.gov">www.cityofmidlandmi.gov</a>
City of Midland email address:	<a href="mailto:cityhall@midland-mi.org">cityhall@midland-mi.org</a>
Government Information Center:	located near the reference desk at the Grace A. Dow Memorial Library

**Backup material for agenda item:**

1.       \* Approve minutes of the May 8 special and regular City Council meetings.  
TISDALE

May 8, 2017

A special meeting of the City Council was held on Monday, May 8, 2017, at 6:00 p.m. in Conference Room A in City Hall. Mayor Donker presided.

Councilmen present: Thomas Adams, Steve Arnosky, Diane Brown Wilhelm, Maureen Donker, Marty Wazbinski

Councilmen absent: None

**CLOSED SESSION**

The following resolution was offered by Councilman Donker and seconded by Councilman Wazbinski:

RESOLVED, that in accord with Section 8(c) of Public Act 267 of the Public Acts of the State of Michigan of 1976, as amended, and upon adoption of this resolution by at least four affirmative votes of the City Council, the City Council shall immediately adjourn to a closed session to discuss an update in connection with collective bargaining negotiations. (Motion ADOPTED by a Roll Call Voice Vote.)

Being no further business the meeting adjourned to a closed session at 6:01 p.m.

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James O. Branson III, Deputy City Clerk

May 8, 2017

A regular meeting of the City Council was held on Monday, May 8, 2017, at 7:00 p.m. in the Council Chambers of City Hall. Mayor Donker presided. The Pledge of Allegiance to the Flag was recited in unison.

Councilmen present: Thomas Adams, Steve Arnosky, Diane Brown Wilhelm, Maureen Donker, Marty Wazbinski

Councilmen absent: None

### **MINUTES**

Approval of the minutes of the April 24, 2017 regular meeting was offered by Councilman Brown Wilhelm and seconded by Councilman Adams. (Motion ADOPTED.)

### **2017 MAKE MIDLAND BEAUTIFUL ART CELEBRATION**

City Council recognized 17 elementary and middle school children for outstanding work in creating posters for the 2017 Make Midland Beautiful Art Celebration.

### **2017 SIDEWALK IMPROVEMENT PROGRAM – HEARING OF NECESSITY**

City Engineer Brian McManus presented information on the 2017 Sidewalk Improvement Program and required public hearing of necessity. The public hearing opened at 7:15 p.m., recognizing no public comments, the hearing closed at 7:15 p.m. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Wazbinski:

WHEREAS, the City Council has ordered due notice of its intention to construct sidewalks in certain streets, one segment of said streets being as follows:

Bayliss Street (west side)	from Haley Street to Arbury Place
Shirewood Lane (south side)	at 510 Shirewood Lane
E. Wackerly Street (north side)	at 405 E. Wackerly Street
W. Wackerly Street (north side)	from 2200 to 2720 W. Wackerly Street
Waldo Avenue (west side)	from James Savage Road to Yale Avenue

and has heretofore established one special assessment district which is to be known as the "2017 SIDEWALK IMPROVEMENT SPECIAL ASSESSMENT DISTRICT" and has heretofore ordered due notice that it would meet on the 8th day of May, 2017, for the purpose of hearing and considering any objections or suggestions on the proposed sidewalk improvements; and WHEREAS, the City Council has met pursuant to said notice on said day at the time specified in said notice and has heard and considered all objections and suggestions to the proposed sidewalk improvement program; now therefore

RESOLVED, that the necessary plans and specifications, pertaining to the said street, contained in the City Manager's report of April 10, 2017, on file in the office of the City Clerk be and the same hereby are approved; and

RESOLVED FURTHER, that a special assessment district for the purpose of said combined improvements be and hereby is approved to be known as the "2017 SIDEWALK IMPROVEMENT SPECIAL ASSESSMENT DISTRICT" and that said district comprises and includes the foregoing described lands and premises pertaining to said segment of street; and RESOLVED FURTHER, that the detailed estimate of cost of said improvements in said street listed above, is hereby approved in the amount of sixty-six thousand five hundred dollars and zero cents (\$66,500.00); and

RESOLVED FURTHER, that the proportion of the cost and expense of said improvement to be borne and paid for by the General fund shall be thirty thousand five hundred fifty-four dollars and zero cents (\$30,554.00) and that all other costs and expenses of said improvement amounting to thirty-five thousand nine hundred forty-six dollars and zero cents (\$35,946.00)

## UNAPPROVED

shall be borne and paid by special assessment on all lands and premises in said street, being a portion of said Special Assessment District as heretofore established and approved; and RESOLVED FURTHER, that the Council hereby determines that the installation of sidewalk in the herein listed street are necessary public improvements, conducive to the public health and general welfare of the people of the City of Midland, and that the City Council proceed to construct said sidewalks in accordance with the plans and specifications, adopted for the same, and in accordance with the resolutions heretofore adopted by the Council in regard to said proposed sidewalk improvements; and

WHEREAS, the Council is desirous of affording the owners of property located on the above described street the opportunity of causing their own sidewalks to be constructed at their own expense; now therefore

RESOLVED FURTHER, that the City Council does hereby determine that all sidewalks to be constructed by property owners shall be completed on or before August 31, 2017, and that an agreement must be executed by each property owner wishing to install their own sidewalks, in a form acceptable to the City Attorney, which guarantees completion of the sidewalks by no later than August 31, 2017, and that said agreement is received by City Council for approval at their June 12, 2017 meeting; and

RESOLVED FURTHER, subject to the qualification set forth in the immediately preceding paragraph of this resolution, that all sidewalks not being completed by the property owners, shall be constructed by the City of Midland, the cost thereof to be financed by special assessments to be levied against the several properties so affected in accordance with the Special Assessment Ordinance; and

RESOLVED FURTHER, that the City Assessor of said City be and hereby is directed to prepare and report to the City Council a Special Assessment Roll, for said "2017 SIDEWALK IMPROVEMENT SPECIAL ASSESSMENT DISTRICT", as heretofore established by the Council, and to assess and levy upon the several lots and premises remaining in said district, said sums of money in proportion to the estimated benefits resulting thereto from said improvement, computed as near as practicable on a front foot basis. (Motion ADOPTED.)

### **PROPOSED 2017-18 CITY BUDGET**

Interim City Manager David Keenan presented information on the City Manager's Proposed 2017-18 Budget. A public hearing opened at 7:35 p.m. Making comments on the budget were: Tim Longlet, 306 Helen Street, Midland Firefighters Union President and Bob Arnold, 602 Columbia, Midland Fire Department. The public hearing closed at 7:43 p.m.

### **PUBLIC COMMENTS**

Theresa Dopp, Midland resident, spoke regarding taxes and the budget.

### **2017-2023 CAPITAL IMPROVEMENT PLAN**

Assistant City Manager for Development Services Brad Kaye presented information on the 2017-2023 City of Midland Capital Improvement Plan. The following resolution was then offered by Councilman Wazbinski and seconded by Councilman Brown Wilhelm:

WHEREAS, Section 65 of the Michigan Planning Enabling Act requires that the City of Midland Planning Commission prepare a Capital Improvement Plan (CIP) to further the desirable development of the city; and

WHEREAS, a listing of capital projects covering roads, utilities and the municipal landfill operation was presented to the Planning Commission for review on April 11, 2017; and

WHEREAS, the Planning Commission has reviewed the list of capital projects presented and concluded that all necessary projects are included in the project list; and

WHEREAS, a public hearing was held on April 25, 2017, following which the Planning Commission unanimously recommended approval of the CIP; and

WHEREAS, City Council review and adoption of the CIP is now required; now therefore

## UNAPPROVED

RESOLVED, that the City Council hereby adopts the City of Midland Capital Improvement Plan 2017-2023. (Motion ADOPTED. Yeas: Adams, Brown Wilhelm, Donker, Wazbinski Nays: Arnosky)

**ART BUILDS MIDLAND – PUBLIC ART ON CITY PROPERTY NEAR THE TRIDGE**

Director of Public Services Karen Murphy introduced Sharon Mortensen, President of the Midland Area Community Foundation and Chair of the Public Arts Committee, who presented information on a request from the Midland Area Community Foundation's ART BUILDS MIDLAND initiative to potentially locate a piece of public art on City-owned property near the Tridge temporarily. The following resolution was then offered by Councilman Brown Wilhelm and seconded by Councilman Arnosky:

WHEREAS, the Midland Area Community Foundation (MACF) on behalf of the ART BUILDS MIDLAND initiative has requested permission from the City to temporarily locate a piece of public art near the Tridge for the months of June and July; and

WHEREAS, the Public Art Committee at the MACF is working out details to locate the art installation on the H Hotel's back lawn with City property adjacent to the Gerstacker Spraypark as an alternate site; and

WHEREAS, the Parks and Recreation staff has reviewed the request and unanimously recommended that City Council allow temporary placement of the art piece on City property should the Public Art Committee land on that option for the installation; now therefore

RESOLVED, that the City Council hereby approves the Midland Area Community Foundation's request to potentially install a piece of public art temporarily on City property and that City staff are authorized to work with the MACF on this effort. (Motion ADOPTED.)

**DART TRANSPORTATION COORDINATOR & FINANCIAL ASSISTANCE**

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Adams:

WHEREAS, pursuant to Act 51 of the Public Acts of 1951, as amended (Act 51), the City of Midland provides a local transportation program for the state fiscal year 2018 and, therefore, it is necessary to apply for state financial assistance under provisions of Act 51; and

WHEREAS, it is necessary for the City of Midland to name an official representative for all public transportation matters, who is authorized to provide such information as deemed necessary by the State Transportation Commission or department for its administration of Act 51; and

WHEREAS, it is necessary to certify that no changes in eligibility documentation have occurred during the past state fiscal year; and

WHEREAS, the performance indicators for Dial-A-Ride have been reviewed and approved by the City of Midland staff; and

WHEREAS, staff has submitted to the State of Michigan a proposed balanced budget of approximately \$2,257,728 for Dial-A-Ride operations in FY2018 with the intent to apply for an estimated \$864,857 in state operating assistance funds, an estimated \$576,000 in federal 49 USC 5307 operating assistance funds, an estimated \$109,000 from fare box fees, an estimated \$25,904 in federal 5303 planning funds, and an estimated \$681,967 in local general fund support to balance the budget for state fiscal year 2018; now therefore

RESOLVED, that the City Manager is hereby named as Transportation Coordinator for all public transportation matters; and

RESOLVED FURTHER, that the City of Midland hereby makes its intentions known to provide public transportation services and to apply for state and federal financial assistance in accordance with Act 51 and the City Clerk is hereby directed to provide a certified copy of the resolution for submittal to the Michigan Department of Transportation as part of the annual budget application packet. (Motion ADOPTED.)



**MIDLAND COUNTY COUNCIL ON AGING – FIRST AMENDMENT TO LEASE AGREEMENT**

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Adams:

WHEREAS, on August 14, 2000 the Midland City Council approved a lease agreement between the City of Midland (City) and the Midland County Council on Aging (MCCOA) to lease property owned by the City and located at Dublin Avenue and Saginaw Road for a consolidated service center; and

WHEREAS, on August 28, 2000 the Lease Agreement was executed by the City and the MCCOA; and

WHEREAS, upon staff review it has been determined that the insurance limits are not in alignment with insurance limits required in other similar agreements and for other similar projects; and

WHEREAS, the City and the MCCOA desire to enter into a First Amendment to the Lease Agreement to reduce the insurance limits as set forth in the Lease Agreement; now therefore RESOLVED, that the City Council hereby approves a First Amendment to the Lease Agreement between the City and the MCCOA reducing the insurance limits of the Lease Agreement; and RESOLVED FURTHER, that the Mayor and the City Clerk are authorized to execute the First Amendment between the City and the MCCOA once approved by the City Attorney. (Motion ADOPTED.)

**UNLEADED FUEL PURCHASE**

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Adams:

WHEREAS, City Council adopted a resolution on December 17, 2007 that allows for the purchase of full tankers of unleaded gasoline and diesel fuel exceeding \$20,000, and seek approval for the purchase at the next City Council meeting; and

WHEREAS, City Council reviewed the process on December 21, 2009 and decided to continue as it still provides a significant cost savings to the City; and

WHEREAS, the volatility of the fuel market does not allow for staff to follow the usual sealed bid process for purchases exceeding \$20,000; and

WHEREAS, staff instead uses a competitive bid process whereby fuel vendors fax in prices that are valid for a particular day with the bid awarded to the lowest priced vendor; now therefore RESOLVED, that the requirements for sealed proposals for the purchase of fuel are waived due to the volatility of the fuel market; and

RESOLVED FURTHER, that the purchase of 13,400 gallons of E10 ethanol blend unleaded fuel from Hirschman Oil of Reese, Michigan for \$20,709.70 executed by the Assistant Controller on May 2, 2017, is hereby approved. (Motion ADOPTED.)

**EMERGENCY GENERATOR REPAIR - ENERGY**

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Adams:

WHEREAS, the City of Midland owns and operates a renewable energy system that utilizes two 20-cylinder Caterpillar 3520 generators, each with an electricity production rating of 1.6 megawatts; and

WHEREAS, Generator No. 2 (GEN2) has been inoperable for over two months, needing a partial, but substantial overhaul, and the bid to make those repairs will be presented to Council in the near future; and

WHEREAS, on April 19, 2017, Generator No. 1 (GEN1) experienced a failure of one of its two turbo chargers, which is an integral component to the efficient operation of the engine; and



## UNAPPROVED

WHEREAS, the industry standard is to replace both turbos at the same time, as they both experience the same hours of use on the same engine; and  
WHEREAS, needing to get GEN1 up and running as quickly as possible, the turbos were ordered from Michigan Cat for delivery Friday, April 20, installed, and the engine was again running the morning of Saturday, April 21; and  
WHEREAS, funds are available for this purpose in the 2016/17 Budget Account 645.9120.97.025 - Capital Outlay Equipment; now therefore  
RESOLVED, that in accord with Section 2-18 of the Code of Ordinances, the requirement for sealed competitive proposals is hereby waived as impractical, and a purchase order is authorized to Michigan Cat, Inc. in the amount of \$27,895.88 for the emergency repair replacement parts of Caterpillar Generator No. 1 at the Renewable Energy Facility. (Motion ADOPTED.)

**WATER TREATMENT PLANT – LIGHTING FIXTURES**

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Adams:

WHEREAS, staff at the Water Treatment Plant (WTP) has investigated ways to reduce energy usage and costs, and recently completed an energy savings estimate to evaluate the replacement of the existing HID (high-intensity discharge lamps) and incandescent light fixtures at the WTP with LED fixtures; and  
WHEREAS, it was determined that this project has the potential to reduce lighting electricity usage by 80% that could result in an annual savings to the WTP of \$30,000.00; and  
WHEREAS, the WTP staff has applied for a Consumers Energy rebate for energy-efficient upgrades, and it is expected to refund approximately \$40,000.00 of the replacement cost; and  
WHEREAS, sealed proposals were received and opened for Bid No. 3870, Water Plant Lighting Fixtures for the replacement of the existing HID and incandescent light fixtures at the water plant with LED fixtures; and  
WHEREAS, staff has reviewed the bid responses received and has determined that the low bid submitted by Medler Electric of Midland in the amount of \$79,317.00 for the purchase of lighting fixtures is acceptable; and  
WHEREAS, the low bid results for the lighting fixtures installation was \$17,236.00, under the \$20,000.00 threshold requiring Council approval, and will be part of the lighting fixture replacement project total cost of \$96,553.00 (\$79,317.00 fixtures + \$17,236.00 installation); and  
WHEREAS, funding has been made available for this purpose in the 2017 Fiscal Water Enterprise Fund account 591.9120.97.020 - Capital Outlay; now therefore  
RESOLVED, that the low bid submitted by Medler Electric is hereby accepted and a purchase order is authorized in an amount not to exceed \$79,317.00 for the purchase of replacement lighting fixtures at the WTP; and  
RESOLVED FURTHER, that the Interim City Manager is authorized to approve changes to the purchase order in an aggregate amount not to exceed \$5,000.00. (Motion ADOPTED.)

**REPLACEMENT OF HIGH-SERVICE PUMP**

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Adams:

WHEREAS, the high-service pump station was constructed at the Water Treatment Plant in 1958 to supply drinking water to the main pressure district; and  
WHEREAS, high-service pump no. 4 has been in operation since that time, and having been rebuilt several times, it is now at the end of its service life; and  
WHEREAS, on April 18, 2017, sealed bids for Bid No. 3867 - Vertical Turbine Pump, were received in accord with Section 2-18 of the Midland Code of Ordinances; and

## UNAPPROVED

WHEREAS, the low bid submitted by Dubric Industries did not include coatings approved for use with potable water and did not include the pump mounting base required in the bid specifications, and therefore was rejected for noncompliance; and  
WHEREAS, staff has determined that the low compliant bid submitted by Hydrodynamics Inc. of Waterford in the total amount of \$34,507.00 meets the City specifications and is acceptable; and  
WHEREAS, the funds for the replacement pump are budgeted in the 2016/17 Fiscal Water Fund Account 591.8270.93.021 – Equipment Maintenance; now therefore  
RESOLVED, that the low complaint bid is accepted and a purchase order in an amount not to exceed \$34,507.00 to Hydrodynamics Inc. is hereby authorized for the purchase of a vertical turbine pump for the high-speed pump station at the Water Treatment Plant. (Motion ADOPTED.)

**PO INCREASE FOR LANDFILL COVER SAND**

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Adams:

WHEREAS, sealed bids for city-wide Sand & Black Dirt, Bid No. 3842 were received on February 7, 2017, for the 12-month period beginning March 1, 2017, and ending February 28, 2018; and  
WHEREAS, the low bid from Anthony Gushow & Sons, Inc. was accepted to provide delivered sand; and  
WHEREAS, the need for sand at the Landfill exceeds the previously approved purchase order limit of \$55,000.00 for maintenance work and refuse daily cover usage; and  
WHEREAS, an increase of \$17,000.00 to the existing purchase order is necessary to complete purchases of cover sand; and  
WHEREAS, funding has been made available for this purpose in the fiscal year 2016/17 Landfill Enterprise Fund accounts 517.8110.76.026 – Operating Supplies and 517.9010.97.002 – Capital Construction; now therefore  
RESOLVED, that an increase of \$17,000.00 to an existing purchase order of \$55,000.00 to Anthony Gushow & Sons, Inc., is hereby authorized, bringing the total purchase order to \$72,000.00 for cover sand purchases, based on previously bid unit prices. (Motion ADOPTED.)

**INVENTORY PURCHASES OF WATER SERVICE FITTINGS – WATER DISTRIBUTION**

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Adams:

WHEREAS, the City's Water Distribution Department repairs water mains, installs new services, and replaces corroded bolts and fittings throughout the distribution system; and  
WHEREAS, many of these items require immediate attention when discovered, so it is necessary to have an inventory of fittings and parts available; and  
WHEREAS, sealed bids for Bid No. 3872 Water Service Fittings, have been advertised and received in accord with Section 2-18 of the Midland Code of Ordinances; and  
WHEREAS, staff considers the low bid received from ETNA Supply of Grand Rapids to be acceptable, and recommends award for inventory purchases of water service fittings; and  
WHEREAS, the purchases will be made from Water Enterprise Fund Account #591.13.031 – Water Parts Inventory; now therefore  
RESOLVED, that a purchase order is hereby authorized to ETNA Supply of Grand Rapids in the amount of \$42,401.45 for inventory purchases of water service fittings; and  
RESOLVED FURTHER, that the Interim City Manager is hereby authorized to approve changes modifying the purchase order in an aggregate amount not to exceed \$5,000.00. (Motion ADOPTED.)

**ZONING TEXT AMENDMENT NO. 159**

The following resolution was offered by Councilman Brown Wilhelm and seconded by Councilman Adams:

RESOLVED, that notice is hereby given that a public hearing will be held by the City Council on Monday, June 12, 2017, at 7:00 p.m. in the Council Chambers, City Hall, for the purpose of considering the advisability of amending Ordinance No. 1585, the Zoning Ordinance of the City of Midland, as set forth in the following proposed Ordinance, which is hereby introduced and given first reading; and

RESOLVED FURTHER, that the City Clerk is hereby directed to publish said notice on May 27, 2017.

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE TO AMEND ORDINANCE NO. 1585, BEING AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIC USES, TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS HEREAFTER ERECTED OR ALTERED, TO REGULATE AND DETERMINE THE AREA OF YARDS, COURTS, AND OTHER OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE AND LIMIT THE DENSITY OF POPULATION, AND FOR SAID PURPOSES, TO DIVIDE THE CITY INTO DISTRICTS AND PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS BY AMENDING THE ZONING ORDINANCE TO AMEND TABLE 26.01 AND SECTION 26.02 FOOTNOTES TO THE SCHEDULE OF REGULATIONS LCMR MINIMUM SETBACK REQUIREMENTS.

The City of Midland Ordains:

Section 1. That Ordinance No. 1585, being the Zoning Ordinance of the City of Midland, is hereby amended as follows:

See attached

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. This Ordinance shall take effect upon publication. (Motion ADOPTED. Considered first reading.)

Being no further business the meeting adjourned at 8:30 p.m.

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Selina Tisdale, City Clerk

**Backup material for agenda item:**

2. Zoning Petition No. 611 - to amend the City of Midland Zoning Map by rezoning property located at 510 Bayliss Street and part of 2710 Jefferson Avenue from Community Commercial zoning to Regional Commercial zoning (also see material sent in the April 24 agenda packet). KAYE

**SUMMARY REPORT TO CITY MANAGER  
for City Council Meeting of 5-22-17**

**SUBJECT:** Zoning Petition No. 611

**PETITIONER:** David H. Helgersen

**PLANNING COMMISSION PUBLIC HEARING:** April 11, 2017

**PLANNING COMMISSION ACTION:** Recommendation of approval.


**SUMMARY:** AMEND THE CITY OF MIDLAND ZONING MAP BY REZONING PROPERTY LOCATED AT 510 BAYLISS STREET AND PART OF 2710 JEFFERSON AVENUE FROM COMMUNITY COMMERCIAL ZONING TO REGIONAL COMMERCIAL ZONING.

**ITEMS ATTACHED AND PREVIOUSLY TRANSMITTED:**

1. Letter to Interim City Manager setting forth Planning Commission action.
2. Ordinance for City Council Action.
3. Staff Report to Planning Commission dated April 6, 2017. (See packet from April 24, 2017.)
4. Planning Commission minutes of April 11, 2017 (public hearing). (See packet from April 24, 2017.)
5. Map showing location of property.

**CITY COUNCIL ACTION:**

1. Public hearing is required. Date: May 22, 2017.
2. 3/5 vote required.



C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services

CBK

5-17-17



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ [www.cityofmidlandmi.gov](http://www.cityofmidlandmi.gov)

May 17, 2017

David A. Keenan, Interim City Manager  
City Hall - 333 West Ellsworth Street  
Midland, Michigan

Dear Mr. Keenan:

At its meeting on Tuesday, April 11, 2017, the Planning Commission considered Zoning Petition No. 611, the request of David H. Helgerson to rezone the property located at 510 Bayliss Street and part of 2710 Jefferson Avenue from Community Commercial zoning to Regional Commercial zoning.

After deliberation on the petition, the Planning Commission took the following action:

Motion by Heying and seconded by Stamas to recommend to City Council the approval of Zoning Petition No. 611 initiated by David H. Helgerson to zone the property at 510 Bayliss Street and part of 2710 Jefferson Avenue from Community Commercial zoning to Regional Commercial zoning.

Vote on the motion:

YEAS:	Bain, Heying, Koehlinger, Mayville, McLaughlin, Pnacek, Stamas and Tanzini
NAYS:	None
ABSENT:	Hanna

The motion was approved 8 to 0.

No public comments were received at the public hearing held by the Planning Commission.

On April 24, 2017 the City Council set a public hearing for May 22, 2017 at 7:00 p.m. to consider Zoning Petition No. 611. A resolution approving the petition is now presented for City Council consideration following conclusion of the public hearing.

Respectfully,

C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services

CBK/djm

LETTER OF TRANSMITTAL – ZP #611 PH

## ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND ORDINANCE NO. 1585, BEING AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIC USES, TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS HEREAFTER ERECTED OR ALTERED, TO REGULATE AND DETERMINE THE AREA OF YARDS, COURTS, AND OTHER OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE AND LIMIT THE DENSITY OF POPULATION, AND FOR SAID PURPOSES, TO DIVIDE THE CITY INTO DISTRICTS AND PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS BY AMENDING THE ZONING MAP TO PROVIDE A REGIONAL COMMERCIAL ZONING DISTRICT WHERE A COMMUNITY COMMERCIAL ZONING DISTRICT PRESENTLY EXISTS.

The City of Midland Ordains:

Section 1. That the Zoning Map of Ordinance No. 1585, being the Zoning Ordinance of the City of Midland, is hereby amended as follows:

510 Bayliss Street

BEG ON N LN OF REPLAT OF KEPPELS ADD SECTION 15, 575.29 FT E OF W SEC LN E 217.33 FT N 38D 37M W 134.23 FT W 179.89 FT S 46.38 FT S 38D 37M E 74.93 FT TO POB

2710 Jefferson Avenue

BEG 165 FT S OF NW COR OF SW ¼ OF NW ¼ SEC 15, TH E 528 FT, S 106.38 FT S 38D 37M E 74.93 FT W 575.29 FT N 165 FT TO POB LESS 130 FT BY 165 FT (FRONTAGE) FROM JEFFERSON AVENUE

Be, and the same is hereby changed to Regional Commercial zoning.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. This Ordinance shall take effect upon publication.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a \_\_\_\_\_ yeas vote of all the Councilmen present at a regular meeting of the City Council held Monday, May 22, 2017.

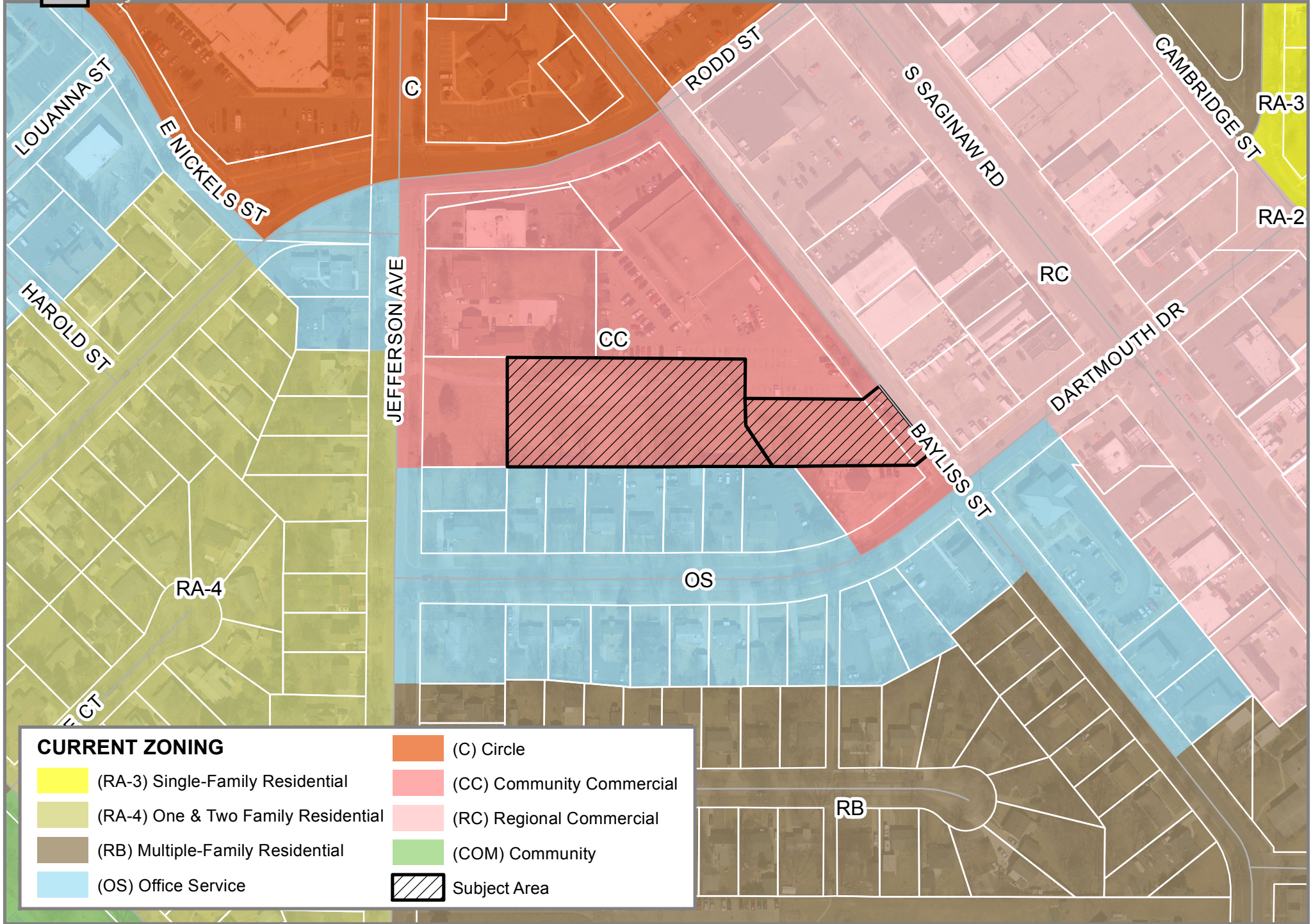
\_\_\_\_\_  
Selina Tisdale, City Clerk



# ZP #611 | CC Community Commercial to RC Regional Commercial



> 5 16 Bayliss Street & 2710 Jefferson Avenue



**SUMMARY REPORT TO CITY MANAGER  
for City Council Meeting of 4-24-17**

**SUBJECT:** Zoning Petition No. 611

**PETITIONER:** David H. Helgerson

**PLANNING COMMISSION PUBLIC HEARING:** April 11, 2017

**PLANNING COMMISSION ACTION:** Recommendation of approval.

**SUMMARY:** ACTION TO SET A PUBLIC HEARING TO AMEND THE CITY OF MIDLAND ZONING MAP BY REZONING PROPERTY LOCATED AT 510 BAYLISS STREET AND PART OF 2710 JEFFERSON AVENUE FROM COMMUNITY COMMERCIAL ZONING TO REGIONAL COMMERCIAL ZONING.

**ITEMS ATTACHED:**

1. Letter to City Manager setting forth Planning Commission action.
2. Resolution for City Council Action.
3. Staff Report to Planning Commission dated April 6, 2017.
4. Planning Commission minutes of April 11, 2017 (public hearing).
5. Map showing location of property.

**CITY COUNCIL ACTION:**

1. Public hearing is required. Date: May 22, 2017.
2. Advertising date: May 6, 2017.
3. Public Hearing notification to area residents mail date: May 5, 2017.
4. 3/5 vote required to set a public hearing.



C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services

CBK

4-19-17



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April 19, 2017

Jon Lynch, City Manager  
City Hall - 333 West Ellsworth Street  
Midland, Michigan

Dear Mr. Lynch:

At its meeting on Tuesday, April 11, 2017, the Planning Commission considered Zoning Petition No. 611, the request of David H. Helgersen to rezone the property located at 510 Bayliss Street and part of 2710 Jefferson Avenue from Community Commercial zoning to Regional Commercial zoning.

After deliberation on the petition, the Planning Commission took the following action:

Motion by Heying and seconded by Stamas to recommend to City Council the approval of Zoning Petition No. 611 initiated by David H. Helgersen to zone the property at 510 Bayliss Street and part of 2710 Jefferson Avenue from Community Commercial zoning to Regional Commercial zoning.

Vote on the motion:

YEAS: Bain, Heying, Koehlinger, Mayville, McLaughlin, Pnacek, Stamas and Tanzini  
NAYS: None  
ABSENT: Hanna

The motion was approved 8 to 0.

No public comments were received at the public hearing held by the Planning Commission.

The City Council is therefore being requested to set a public hearing to consider Zoning Petition No. 611 for May 22, 2017 at 7:00 p.m.

Respectfully,

C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services

CBK/djm

LETTER OF TRANSMITTAL – ZP #611 Set PH



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BY COUNCILMAN

WHEREAS, a public hearing was held by the Planning Commission on Tuesday, April 11, 2017 for property located at 510 Bayliss Street and part of 2710 Jefferson Avenue for the purpose of considering the advisability of amending the Zoning Map of Ordinance No. 1585, the Zoning Ordinance of the City of Midland, from Community Commercial zoning to Regional Commercial zoning; now therefore

RESOLVED, that notice is hereby given that a public hearing will be held by the City Council on Monday, May 22, 2017, at 7:00 p.m. in the Council Chambers, City Hall, for the purpose of considering the advisability of amending the Zoning Map of Ordinance No. 1585, the Zoning Ordinance of the City of Midland, as set forth in the following proposed Ordinance, which is hereby introduced and given first reading; and

RESOLVED FURTHER, that the City Clerk is hereby directed to notify property owners within three hundred (300) feet of the area proposed to be rezoned by transmitting notice on or before May 5, 2017 and to publish said notice on May 6, 2017.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND ORDINANCE NO. 1585, BEING AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION OF TRADES AND INDUSTRIES AND THE LOCATION OF BUILDINGS DESIGNED FOR SPECIFIC USES, TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS HEREFTER ERECTED OR ALTERED, TO REGULATE AND DETERMINE THE AREA OF YARDS, COURTS, AND OTHER OPEN SPACES SURROUNDING BUILDINGS, TO REGULATE AND LIMIT THE DENSITY OF POPULATION, AND FOR SAID PURPOSES, TO DIVIDE THE CITY INTO DISTRICTS AND PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS BY AMENDING THE ZONING MAP TO PROVIDE A REGIONAL COMMERCIAL ZONING DISTRICT WHERE A COMMUNITY COMMERCIAL ZONING DISTRICT PRESENTLY EXISTS.

The City of Midland Ordains:

Section 1. That the Zoning Map of Ordinance No. 1585, being the Zoning Ordinance of the City of Midland, is hereby amended as follows:

510 Bayliss Street

BEG ON N LN OF REPLAT OF KEPPELS ADD SECTION 15, 575.29 FT E OF W SEC LN E 217.33 FT N 38D 37M W 134.23 FT W 179.89 FT S 46.38 FT S 38D 37M E 74.93 FT TO POB

2710 Jefferson Avenue

BEG 165 FT S OF NW COR OF SW ¼ OF NW ¼ SEC 15, TH E 528 FT, S 106.38 FT S 38D 37M E 74.93 FT W 575.29 FT N 165 FT TO POB LESS 130 FT BY 165 FT (FRONTAGE) FROM JEFFERSON AVENUE

Be, and the same is hereby changed to Regional Commercial zoning.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. This Ordinance shall take effect upon publication.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a        yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, April 24, 2017.

\_\_\_\_\_  
Selina Tisdale, City Clerk



ZP #611

Date: April 6, 2017

### STAFF REPORT TO THE PLANNING COMMISSION

**SUBJECT:** Zoning Amendment Petition #611 (Rezoning Request)

**APPLICANT:** David H Helgerson

**LOCATION:** 510 Bayliss Street and part of 2710 Jefferson Avenue

**AREA:** approximately 2 acres (includes portions of abutting street right-of-ways)

**ZONING:**       **EXISTING:** CC Community Commercial  
                      **PROPOSED:** RC Regional Commercial

**ADJACENT ZONING:**       N: CC Community Commercial  
                                      W: CC Community Commercial  
                                      E: RC Regional Commercial  
                                      S: OS Office Service

**ADJACENT DEVELOPMENT:**   N: Community Mental Health and Post Office  
                                      W: Vacant  
                                      E: Commercial (Cintas)  
                                      S: Office buildings, salons, coffee shop

### REPORT

Zoning Petition No. 611, initiated by David Helgerson, proposes to rezone property located at 510 Bayliss and 2710 Jefferson Avenue from CC Community Commercial to RC Regional Commercial. There are no conditions offered by the applicant; therefore, the full contents of the RC zoning district must be considered. In order to apply uniform zoning to this area, a portion of the abutting Bayliss Street right-of-way has also been included in the petition.

### BACKGROUND

The subject properties are currently vacant of any structures or use. The applicant advises that this condition has existed for many years.

The property is located in an area comprised of several land use designation by the City of Midland Master Plan. The subject site as well as properties to the northwest and south east are planned for Commercial purposes. Several of the properties to the south, facing Dartmouth Drive, are planned for Office-Service purposes. The Post Office facility, located to the northeast, is identified by a Public Parks and Recreation designation.



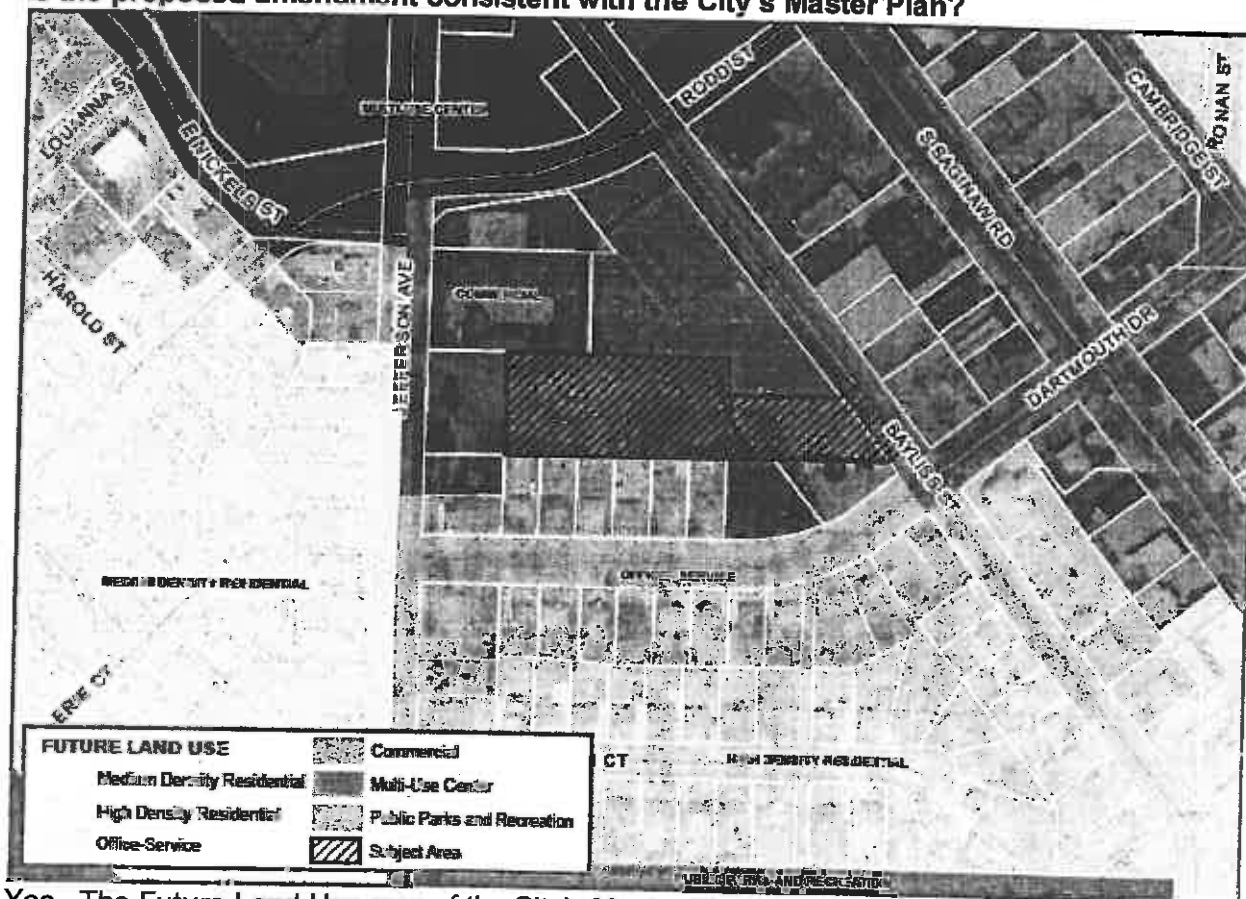
Zoning of the site and surrounding area is also varied. The subject parcels, as well as lands to the west, north and southeast are zoned CC Community Commercial. Most properties to the south are zoned Office Service. Across Bayliss Street properties are zoned Regional Commercial.

Upon review of the land uses allowed by the CC Community Commercial and RC Regional Commercial districts, it will be apparent that the districts are very similar in nature and scope of permitted uses. Some uses do change from a conditional land use category to a permitted land use category, but the primary differences are the introduction of several light industrial uses, day shelters, transitional housing and residential treatment facilities. District requirements change only by eliminating the maximum height allowance of 28 ft that applies within the CC Community Commercial district.

### ASSESSMENT

In accordance with Section 30.03(D) of the Zoning Ordinance, the Planning Commission and City Council shall at minimum, consider the following before taking action on any proposed zoning map amendment:

1. Is the proposed amendment consistent with the City's Master Plan?



Yes. The Future Land Use map of the City's Master Plan identifies this property as Commercial.

The intended land uses of Commercial designated areas vary dependent upon the size and geographic location of the planned areas. This area is located adjacent to the South



Saginaw Road commercial corridor, in close proximity to the Multi Use Center commonly referred to as the Ashman Circle Area. Large concentrations of planned commercial development are planned for this area. The impacts on the sustainability of the Downtown, Center City and Circle districts are to be considered when planning for additional commercial uses, and buffering of surrounding low density residential areas is to be accomplished through the use of medium-high density residential and office-service use where practical. The proposed zoning respects these latter goals through the maintenance of existing zoning along the more residentially oriented nature of Jefferson Avenue.

**2. Will the proposed amendment be in accordance with the intent and purpose of the Zoning Ordinance?**

Yes. In staff's opinion, the proposed rezoning would promote the intent of the zoning code through reclassification of the parcel as stated (outlined below) in the City's zoning code.

**Section 1.02 B INTENT**

*It is the purpose of this Zoning Ordinance to promote the public health, safety, comfort, convenience, and general welfare of the inhabitants of Midland by encouraging the use of lands and natural resources in accordance with their character, adaptability and suitability for particular purposes; to enhance social and economic stability; to prevent excessive concentration of population; to reduce hazards due to flooding; to conserve and stabilize the value of property; to provide adequate open space for light and air; to prevent fire and facilitate the fighting of fires; to allow for a variety of residential housing types and commercial and industrial land uses; to minimize congestion on the public streets and highways; to facilitate adequate and economical provision of transportation, sewerage and drainage, water supply and distribution, and educational and recreational facilities; to establish standards for physical development in accordance with the objectives and policies contained in the Master Plan (Comprehensive Development Plan); and to provide for the administration and enforcement of such standards.*

**3. Have conditions changed since the Zoning Ordinance was adopted that justifies the amendment?**

Yes. Development along the Dartmouth Drive corridor has incrementally converted residential housing units to offices and salons. This change has introduced a buffer between the subject property and the surrounding residential neighborhoods.

**4. Will the amendment merely grant special privileges?**

No. The area is planned for Commercial development by the City. The proposed use of the subject parcel and those of the adjoining parcels are suitable for a variety of commercial development. Approval of this amendment will grant only privileges that are envisioned by the Master Plan.

**5. Will the amendment result in unlawful exclusionary zoning?**

No. The zoning amendment would continue an adjacent pattern of zoning designation. This parcel will expand the existing RC Regional Commercial zoning that currently applies to properties located across Bayliss Street to the east.

**6. Will the amendment set an inappropriate precedent?**

No. The zoning petition is supported by the City's Master Plan and its Future Land Use map.

This petition will pull RC Regional Commercial zoning across Bayliss Road and into this block where such zoning does not currently exist. Given the nature of surrounding land uses, however, this change appears reasonable for the area.

**7. Is the proposed zoning consistent with the zoning classification of surrounding land?**

Partially. RC Regional Commercial zoning does not exist in this specific block but is adjacent to the subject property across Bayliss Street. This is considered an appropriate zoning change given the land uses envisioned by the Master Plan and currently permitted by zoning on the surrounding lands.

**8. Is the proposed zoning consistent with the future land use designation of the surrounding land in the City Master Plan?**

Yes. The current Master Plan supports the subject properties to be used for Commercial purposes. Additional lands to the west, northwest and southeast are similarly planned for Commercial purposes. Lands south are planned for Office Service purposes and will provide an appropriate buffer from residential neighborhoods further to the south. Although lands immediately north are planned as Public Parks and Recreation, those lands are developed and used as a Post Office and would not be negatively impacted by commercial development and use of the subject properties.

**9. Could all requirements in the proposed zoning classification be complied with on the subject parcel?**

Yes. The subject parcels could meet all of the RC Regional Commercial requirements for new developments.

**10. Is the proposed zoning consistent with the trends in land development in the general vicinity of the property in question?**

Yes. The zoning of this parcel for RC Regional Commercial purposes will be consistent with several property uses in the surrounding area, particularly to the north and east. While less intensive uses are typically found to the south, those uses serve to buffer the subject property from residential neighborhoods further south. By not extending the RC district fully to the Jefferson Avenue frontage, a reasonable separation from the existing residences on the west side of Jefferson Avenue will also be maintained.

**ADDITIONAL STAFF COMMENTS**

No written public comments have been received in support or opposition of the petition at the time this report was drafted.

## STAFF RECOMMENDATION

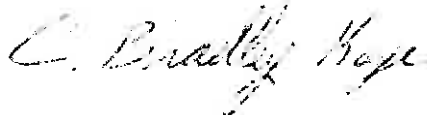
Upon review of the requested zoning change, staff recommends approval of the rezoning petition for the following reasons:

- The proposed zoning is a reasonable and logical extension of existing RC Regional Commercial zoning in the area.
- RC Regional Commercial zoning is a reasonable and appropriate zoning classification that will permit development of the subject lands for uses compatible with the neighboring commercial and office-service development.
- RC Regional Commercial zoning would continue the development pattern envisioned by the City of Midland Master Plan.
- The proposed zoning district is considered appropriate given the anticipated future development patterns in the area.

## PLANNING COMMISSION ACTION

Staff currently anticipates that the Planning Commission will hold a public hearing on this request during its regular meeting on April 11, 2017 and will formulate an appropriate recommendation to City Council thereafter. If recommended to City Council the same evening, we anticipate that on April 24, 2017 the City Council will set a public hearing on this matter. Given statutory notification and publication requirements, the City Council will schedule a public hearing for May 22, 2017 at which time a decision will be made on the proposed zoning change. Please note that these dates are merely preliminary and may be adjusted due to Planning Commission action and City Council agenda scheduling.

Respectfully Submitted,



C. Bradley Kaye, AICP  
Assistant City Manager for Development Services

**MINUTES OF THE MEETING OF THE  
MIDLAND CITY PLANNING COMMISSION  
WHICH TOOK PLACE ON  
TUESDAY, APRIL 11, 2017, 7:00 P.M.,  
COUNCIL CHAMBERS, CITY HALL, MIDLAND, MICHIGAN**

1. The meeting was called to order at 7:00 p.m. by Chairman McLaughlin
2. The Pledge of Allegiance was recited in unison by the members of the Commission and the other individuals present.

**3. Roll Call**

**PRESENT:** Bain, Heying, Koehlinger, Mayville, McLaughlin, Pnacek, Stamas and Tanzini

**ABSENT:** Hanna

**OTHERS PRESENT:** Brad Kaye, Assistant City Manager for Development Services; Grant Murschel, Community Development Planner; and ten (10) others.

**4. Approval of Minutes**

Moved by Mayville and seconded by Koehlinger to approve the minutes of the regular meeting of March 28, 2017. Motion passed unanimously.

**5. Public Hearing**

- a. **Site Plan No. 356** – initiated by Richard L. Fosgitt, PE on behalf of Earl D. Bennett Construction, Inc. for site plan review and approval for the construction of Forestview Crossings, a 34 unit, residential site condominium project, located at 9203 Eastman Avenue.

Kaye gave the staff presentation and highlighted the subject location and current zoning. He reviewed the phases of the development and the details of the site plan proposal. The proposal meets the district requirements of the RB zoning district. Further site plan review will be necessary on units where more than two resident units will be proposed. The Midland County Road Commission has submitted a letter outlining the permitting process that will be required in order to approve the access points onto Monroe Road and Eastman Avenue. Kaye also reviewed the contents within the condominium Master Deed and Bylaws.

Koehlinger inquired about the location of the Midland Urban Growth Boundary (MUGA) in this location. The boundary is essentially Monroe Road on the west side of Eastman Avenue.

Mayville wondered if the development of more than two residential units would be permitted. It would be by right but it must meet the City's site plan review standards.

Richard Fosgitt, agent for the applicant and resident of Midland, spoke as the agent for the applicant. He indicated that site condominiums provide a more formal structure for an association to care for the maintenance of the common areas. The applicant indicated that only duplexes (two unit residential units) would be permitted on the lots, as part of the deed restrictions.

Lawrence Bartos, of 2450 N Eastman Road, indicated that he had no objections. He wanted to clarify whether or not there will be recreation areas within the development and also whether or not a pump station would service the development. He also wondered if he could connect to City water but not annex into the City.

Kaye responded that residents will have access to City Forest but there are no specific recreational areas proposed by the applicant. A pump station is proposed to provide sanitary sewer to the site.

Rebecca and Tom Bentley, 2371 N Eastman Road, asked for additional information on the proposal regarding the Dempsey Drain and potential wetlands on the site. They are concerned about the amount of vehicle traffic that the new development will cause. They noted the verbal agreement to preserve trees on the site but wondered if it is possible for the agreement to be written. They are also curious to know if they will have the availability to connect to future City utilities.

Fosgitt indicated that wetlands would not be disturbed and that careful consideration would be given when crossing the drain, in line with the permits of the County Drain Commission and MDEQ. Tree preservation will be up to the future owners of each unit, and that he thinks it will be in their best interest to retain as many trees as possible.

The public hearing was closed.

A motion was made by Pnacek to waive the procedural requirements to permit consideration of the proposed application. The motion was seconded by Stamas. The motion was approved unanimously.

McLaughlin wondered about potential impacts to water pressure. Kaye indicated that he understands that negative impacts would not be likely and have not come up during review by the City Engineer and the City Utility Department. Screening is not required for one and two unit residential units as it is only required with developments of more than two residential units.

Koehlinger commented that he was originally concerned with access onto the existing road network but is glad to see a single access street onto Eastman Avenue and Monroe Road. Stamas wondered about coordination of street connections with the Midland County Road Commission.

It was moved by Heying and supported by Tanzini to recommend approval of Site Plan No. 356 initiated by Richard L. Fosgitt, PE on behalf of Earl D. Bennett Construction, Inc. for the construction of Forestview Crossings, a 34 unit, residential site condominium project, located at 9203 Eastman Avenue with the following contingencies:

1. A sidewalk must be installed along the Monroe road frontage of units 28 and 31-34.
2. A final stormwater permit must be approved by the City Engineering Department.
3. A final soil erosion and sedimentation control permit must be approved by the City Building Department.
4. Final engineering drawings and public sanitary sewer and water utility easements to the satisfaction of the City Engineering Department must be submitted.
5. Final approval by the City Utility Department for connection to the Larkin township water main.
6. Final approval of an infrastructure agreement between the City and developer to provide for the extension of the public sanitary sewer utility.
7. Final permit approval from the Midland County Road Commission for street connections to Monroe Road and Eastman Avenue.
8. Final permit approval from the Midland County Drain Commission for stormwater discharge into the Dempsey Drain.
9. Final permit approval from the Michigan Department of Environmental Quality for crossing of the Dempsey Drain.
10. Final approval and execution of a development agreement to the satisfaction of the City Attorney's Office, Engineering and Planning Departments.

YEAS:           Bain, Heying, Koehlinger, Mayville, McLaughlin, Pnacek, Stamas and Tanzini  
NAYS:           None  
ABSENT:       Hanna

- b. **Zoning Petition No. 611** – initiated by David Helgerson to rezone the property located at 510 Bayliss Street and a portion of 2710 Jefferson Avenue from Community Commercial zoning to Regional Commercial zoning.

Murschel provided the staff overview and presentation of the petition, clarifying the extent of the zoning petition. A portion of the 2710 Jefferson Avenue parcel is proposed to remain CC Community Commercial. He reviewed the criteria for rezoning requests. The Master Plan designates the subject area for Commercial purposes.

Bain commented that new development in this portion of the city would be good for the neighborhood.

David Helgerson, of 2105 Springwood, spoke as the applicant. He agreed that new development of this site would be good for this part of the city. Split zoning of the 2710 Jefferson Avenue property will keep a lesser zoning on the portion of the site that fronts Jefferson Avenue.

No comments in support or opposition of the petition were received.

The public hearing was closed.

A motion was made by Heying to waive the procedural requirements to permit consideration of the proposed application. The motion was seconded by Pnacek. The motion was approved unanimously.

Heying indicated that the buffer between commercial and residential has already been established along the south. He further indicated that development would be good in this location and if the zoning change gets a developer closer to something it would be ideal. Bain commented that this neighborhood has been very stable and that additional development would be good for the neighborhood.

McLaughlin indicated that retaining Community Commercial will act as a small buffer on the block.

It was moved by Heying and supported by Stamas to recommend approval of Zoning Petition No. 611 initiated by David Helgerson to rezone the property located at 510 Bayliss Street and a portion of 2710 Jefferson Avenue from Community Commercial zoning to Regional Commercial zoning.

YEAS:	Bain, Heying, Koehlinger, Mayville, McLaughlin, Pnacek, Stamas and Tanzini
NAYS:	None
ABSENT:	Hanna

## 6. **Old Business**

None

## 7. **Public Comments (unrelated to items on the agenda)**

None

## 8. **New Business**

- a. Capital Improvement Plan

Kaye provided a quick overview of the plan. A public hearing is scheduled for Tuesday, April 25, 2017.

**9. Communications**

None

**10. Report of the Chairperson**

McLaughlin expressed his appreciation for the staff report and analysis of the two proposals tonight, particularly the site condominium that was presented.

**11. Report of the Planning Director**

Kaye provided an update on the actions during the City Council meeting on Monday, April 10, 2017. Also, due to good weather, a handful of road construction projects have already begun across the city.

**12. Items for Next Agenda – April 25, 2017**

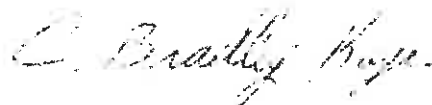
- a. **Zoning Text Amendment No. 159** - initiated by the City of Midland, to amend Table 26.01 and Section 26.02 Footnotes to the Schedule of Regulations in the Zoning Ordinance being the Schedule of Regulations LCMR minimum setback requirements.

- b. **Capital Improvement Plan**

**13. Adjourn**

It was motioned by Heying and seconded by Koelingher to adjourn at 8:41 p.m. Motion passed unanimously.

Respectfully submitted,

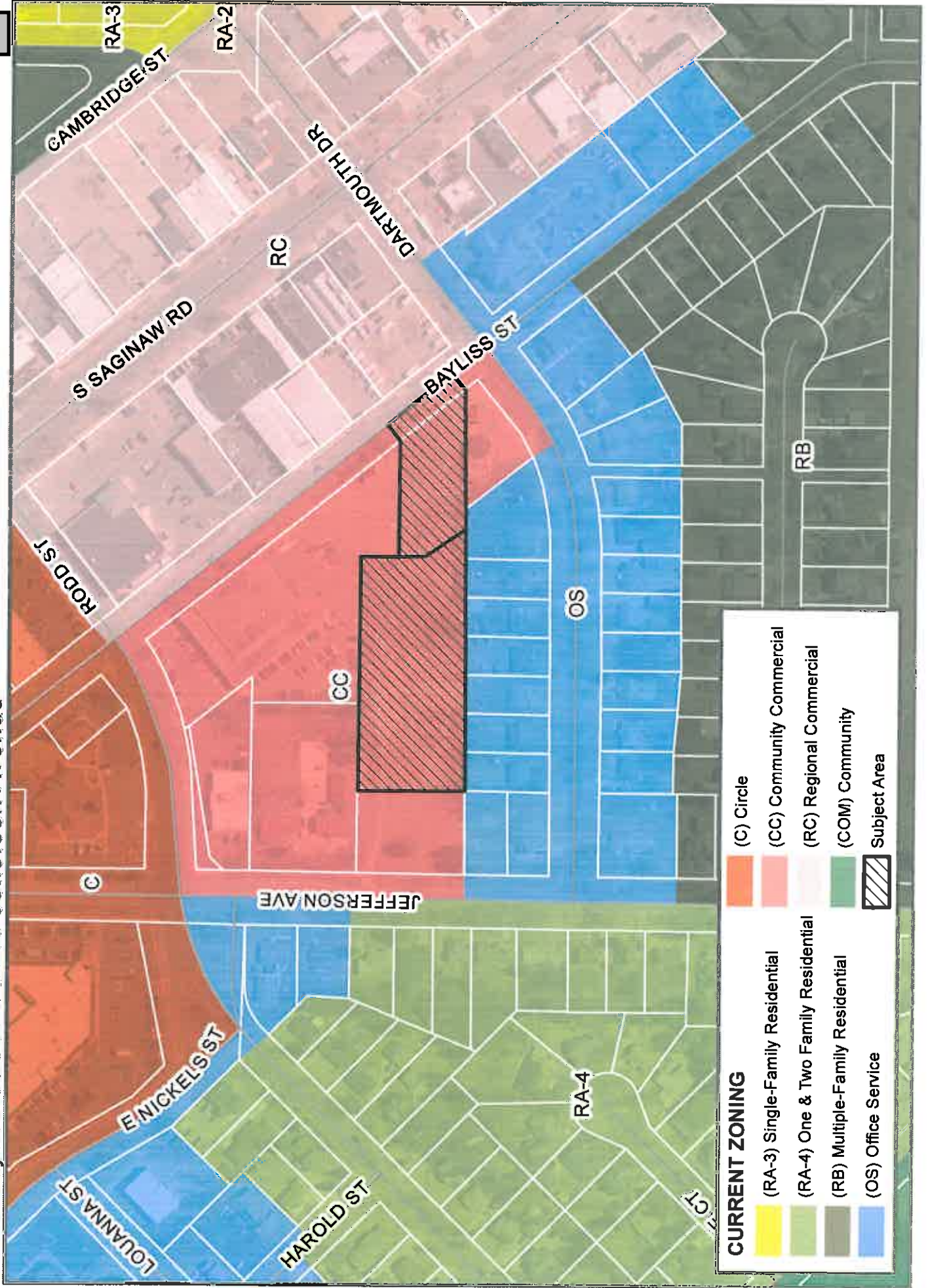


C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services

MINUTES ARE NOT FINAL UNTIL APPROVED BY THE PLANNING COMMISSION



# ZP #C-1 | CC Community Commercial to RC Regional Commercial > 510 Bayliss Street & 2710 Jefferson Avenue



**Backup material for agenda item:**

3. Referring the request to vacate a portion of S. Saginaw Road from Mark Putnam Road to Salzburg Road to the Planning Commission, the City Engineer, and other City departments for their report and recommendation. KAYE

**SUMMARY REPORT TO CITY MANAGER  
for City Council Meeting of 5-22-17**

**SUBJECT:** Vacation of a portion of South Saginaw Road.

**PETITIONER:** The Dow Chemical Company.

**SUMMARY:** THIS RESOLUTION REFERS THE REQUEST TO VACATE A PORTION OF SOUTH SAGINAW ROAD FROM MARK PUTNAM ROAD TO SALZBURG ROAD TO THE PLANNING COMMISSION, THE CITY ENGINEER, AND OTHER CITY DEPARTMENTS FOR THEIR REPORT AND RECOMMENDATION.

**ITEMS ATTACHED:**

1. Letter to Interim City Manager.
2. Resolution for City Council action.
3. Petition for Vacation of Public Property.
4. Map of area.

**CITY COUNCIL ACTION:**

1. Public hearing is not required.
2. 3/5 vote required to approve resolution.

C. Bradley Kaye, AICP, CFM  
Director of Planning & Community Development

CBK/djm

5-17-17



*City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ [www.cityofmidlandmi.gov](http://www.cityofmidlandmi.gov)*

May 17, 2017

David A. Keenan, Interim City Manager  
City Hall - 333 West Ellsworth Street  
Midland, Michigan

Dear Mr. Keenan:

The Dow Chemical Company has submitted a petition for vacation of a portion of South Saginaw Road. The petition requests that the road be vacated from the south side of Mark Putnam Road to the north side of Salzburg Road.

Section 23-39 of the Midland Subdivision Ordinance provides for the vacation of public property by the City Council as follows:

When the City Council shall deem it advisable to vacate, discontinue, or abolish any street, alley, public ground, or any part thereof in a subdivision, or upon petition received by the City Clerk requesting such vacation, discontinuance or abolition, and containing the names of the petitioner, his address, a description of the property proposed to be vacated, and the reasons therefore, together with the names of all owners of property abutting on that property proposed to be vacated, or whose access to their property would be prohibited thereby, the Council shall:

- (1) Adopt a resolution referring the matter to the Planning Commission, the City Engineer, and other City departments, as appropriate, for their report and recommendation.
- (2) Upon receipt of the recommendations, declare, by resolution, the intent to take such action as they may deem advisable and, in the same resolution, shall appoint a time not less than four (4) weeks thereafter when they will meet and hear objections thereto.
- (3) Cause a notice of hearing with a copy of the resolution to be published once each week for not less than three (3) weeks before the time appointed for such meeting in a newspaper of general circulation in the City, and cause a copy of such notice and resolution to be sent by certified mail to each owner of property abutting the property proposed to be vacated, or whose access to their property would be prohibited thereby.
- (4) Receive objections to such proposed action either orally at such hearing or in writing filed with the City Clerk prior thereto.
- (5) Either at the same meeting at which such hearing is held, or at any sub-sequent meeting, adopts a resolution vacating, abolishing, or discontinuing such property, or any portion thereof, on any such conditions as they may deem advisable, or refuse to take such action. Upon receipt of any objections to such proposed action either orally at such meeting or in writing prior thereto, the street, alley, or other public ground or any part thereof shall not be vacated, abolished or discontinued except by concurring vote of four fifths (4/5) of the Councilmen elect. Before any petition seeking vacation of public grounds, or any portion thereof, shall be received by the City Clerk, it must be accompanied by the fee prescribed in Chapter 21 of this code to defray the costs of administration and publication.

Although received and under review by city staff, the merits of the proposed street vacation have not yet been determined. The action before City Council is procedural in nature. Such action takes no position on the petition but merely begins our formal review process.

A resolution directing the petition to the Planning Commission, Engineering Department, and other departments as determined by the Interim City Manager for report and recommendation is attached for your consideration.

Respectfully,

A handwritten signature in purple ink that reads "C. Bradley Kaye". The signature is written in a cursive, flowing style.

C. Bradley Kaye, AICP, CFM  
Assistant City Manager for Development Services

LETTER OF TRANSMITTAL – Street Vacation South Saginaw Road



*City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ [www.cityofmidlandmi.gov](http://www.cityofmidlandmi.gov)*

**BY COUNCILMAN**

WHEREAS, The Dow Chemical Company has petitioned for vacation of a portion of South Saginaw Road from Mark Putnam Road to Salzburg Road; and

WHEREAS, consideration of such vacation must be done in accord with Section 23-87 of the Code of Ordinances; now therefore

RESOLVED, that in accord with Section 23-39 of the Code of Ordinances, the request to vacate South Saginaw Road from the south side of Mark Putnam Road to the north side of Salzburg Road is hereby referred to the Planning Commission, the City Engineer and other City departments as determined by the Interim City Manager, for their report and recommendation.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a      yeas vote of all the Councilmen present at a regular meeting of the City Council held Monday, May 22, 2017.

---

Selina Tisdale, City Clerk



RECEIVED

MAY 12 2017

PLANNING DEPT



City of Midland  
Petition for Vacation of Public Property

I/We, The Dow Chemical Company - Michigan Operations and The Dow Corning Corporation

of \_\_\_\_\_

1790 Bldg., Washington Street, Midland, MI 48674 and 2200 W. Salzburg Rd. Auburn, MI 48686

constituting all of the parties in interest of 100 percent of the lands that abut  
public property described as (street, alley, walkway, etc.): South Saginaw Road

\_\_\_\_\_ from

Mark Putnam Drive to Salzburg Street,

and located in (Name of Subdivision, or complete metes and bounds description, if

unplatted land) No subdivision; meets and bounds to be provided separately

NOTE: Cabot Corporation holds an easement to access South Saginaw Road. The Dow Chemical Company - Michigan Operations is

in discussions with Cabot and will provide access via the iPark or Waldo Avenue.

a recorded plat of the City of Midland, Midland County, Michigan, as recorded in  
Liber N/A, Page(s) N/A of Plats, Midland County Records; respectfully  
request the vacation, discontinuance and abolition thereof for the following reasons:

1. The continuance thereof is unnecessary, in that all property abutting thereon has available alternative means of access and will not be materially affected.
2. The vacation, discontinuance and abolition will be a public improvement and is in the public interest, because See Attached
3. The vacation, discontinuance and abolition is necessary for the health, comfort, and safety of the people in the City of Midland, because See Attached



4. List any additional reasons which may be pertinent See Attached

\_\_\_\_\_

Enclosed is the required fee of four hundred dollars (\$400.00), as established by Ordinance.

SIGNATURE	ADDRESS	DATE
<u>  <i>LP A Wells</i>  </u>	<u>  1790 Bldg WASH. St.  </u>	<u>  5/12/17  </u>
_____	_____	_____
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## Petition for Vacation of Public Property

2. The vacation, discontinuance and abolition will be a public improvement and is in the public interest because

Dow Corning joining the Dow family brings forth many new growth opportunities for Dow and the Midland community. One significant opportunity is the consolidation of the Dow Michigan Operations and Dow Corning chemical manufacturing facilities on S. Saginaw Road into a unified site. The site consolidation would generate many benefits including:

- Expanded opportunities for community prosperity through manufacturing growth
- Enhanced safety and security at the site as well as for the surrounding community
- Increased site competitiveness, through operational efficiencies, productivity gains and workforce unity

Additionally, the consolidation will allow for:

- Greater compliance with Department of Homeland Security practices for chemical facilities
- Operational efficiencies which will enhance site competitiveness to attract internal Dow and external business
- One unified site by eliminating both the physical and emotional barrier the road creates
- Improving the appearance and functionality of a new main gate entrance into the site, reflecting that Michigan Operations is a premier chemical facility in the Midwest

Dow understands this change will affect residents who travel S. Saginaw Road and therefore completed 24 community input sessions to listen to feedback about the plan. Several ads were placed in local newspapers to promote attendance, in addition to sending personalized letters and invitations to business owners in the affected area. Individual outreach also took place with business owners on S. Saginaw Road. Parents of students who attend The Midland Academy received notification along with an opportunity to provide input. Additionally, we are currently utilizing the E-City Hall online feedback tool, to ensure we are obtaining as much community input as possible.

Dow believes the road vacation is in the best interest of not only Dow, but also the community, by serving as a catalyst for positive change. Dow intends to grow and the Midland site is working diligently to attract that growth right here in Michigan Operations. As Dow transforms into the new Materials Science Company following the DowDuPont merger, the Company will emerge even stronger. Michigan Operations has the ability to obtain key components of Dow's growth agenda, if the site is well positioned – with the right infrastructure and safety record. When Dow in Midland grows, so does the Midland community. Dow's roots are deeply embedded in Midland – to be successful, the support of the City of Midland and our community are essential. Together, we can create a community of progress that supports growth, creates jobs and welcomes talent and new business ventures.

## Petition for Vacation of Public Property

3. The vacation, discontinuance and abolition is necessary for the health, comfort and safety of the people in the City of Midland, because

The consolidation will allow for important safety and security improvements that adhere to Department of Homeland Security guidance, under its “Deter, Detect and Delay” protocol designed for chemical facility protection. By closing that segment of road:

- The general public will no longer have an opportunity to be in close proximity to chemical processes and assets
- There will be fewer gates and entry points into the site
- A stronger barrier (hardened fence) will surround the entire site, reducing vehicular traffic and deterring potential threats
- Michigan Operations will have an improved ability to monitor, detect and prevent potential incidents
- The Midland community will enjoy a safer community, due to another level of safety and security measures enforced at the Dow manufacturing site

To fully understand the community’s position and concerns related to the project before submitting the application to the City, Dow completed 24 community input sessions. All feedback was collected, reviewed and applied during the decision-making process. The most prominent concern shared was the impact the road closure would have on Waldo Avenue traffic and residential safety. Safety is always Dow’s number one priority – inside the manufacturing plant and in the community.

After careful consideration of the feedback, Dow will implement the following actions, contingent upon the City of Midland approving Dow’s request to vacate the road:

- Dow will offer a voluntary property purchase program to affected owners of residential property on Waldo Ave. south of Bay City Road.
- Dow will fund the cost of road reconstruction on Waldo Ave. in the affected area to ensure it can withstand the impact of more traffic and to increase the road’s lifespan.
- Dow will implement all of the traffic signal and turn lane upgrades recommended by traffic consultant DLZ.
- Dow will work closely with Cabot Corporation to ensure continued efficient operations.
- Dow will continue to partner with local emergency responders (EMS, fire, police) for mutual aid and to ensure response is not delayed if responders need to use Saginaw Road.
- Dow will work with the City of Midland and other appropriate parties to provide added safety measures to help enhance the safety of the Waldo Ave. neighborhood, including the pursuit of:
  - New crosswalk caution lights near the Salvation Army
  - New “Caution – Children Playing” signs on Waldo Ave.
  - Additional speed limits signs on Waldo Ave.
  - New signage to direct trucks to use US-10 instead of Waldo Ave.



## Petition for Vacation of Public Property

We realize the comfort and convenience of travelers who currently use that segment of S. Saginaw Road will be affected by taking the proposed reroute using Waldo Ave. and Bay City Road or US 10. We have tested and timed the new proposed route which takes 90 -120 seconds longer and have transparently acknowledged and shared this in all of our town halls and communication materials. We respectfully request the community and City Council to view the inconvenience as an investment in Dow's future for the long term betterment of the overall community.

As Midland's largest employer with thousands of residents who work at the Michigan Operations plant, the closure would add significant value, ease and stability to their workday. The consolidation would allow employees to easily travel throughout the site and employees would no longer have to badge in and out of two separately secured plants, which currently creates an "us versus them" mentality. This is an intangible benefit that we know will greatly enhance the site's safety performance and productivity.

### 4. List any additional reasons which may be pertinent

Dow is a strong community partner and gives back to Midland and the Great Lakes Bay Region in many different ways. In the last 10 years, Dow has invested more than \$450 million in the region, including but not limited to: Dow Diamond, Country Club Renovations, H Hotel, Airport, Business Services Center, East-End, Bay City Uptown, Restaurants, MRIVCC, MSU STEM Center and the new Dow Headquarters Building. Dow also gives \$5 million annually to local non-profits in addition to giving of our time and talents through volunteerism and board participation. In 2016 alone, Dow logged more than 27,500 hours of volunteer service.

Dow sites around the world compete for growth and investment. Similar to any small or large business, Dow businesses have the ability to choose where they want to invest. They consider many factors including land availability, safety performance, asset reliability as well as the available site infrastructure, to name a few. We want Dow businesses to choose Michigan Operations and are therefore positioning the site for future site selection and growth.

Out of genuine respect for the Dow family and as a tribute to the Midland community, Dow has obtained approval from the Alden and Vada Dow Creativity Foundation to incorporate the drawings of original, unbuilt Alden B. Dow buildings into the design of the new north gate entrance. Our intent is to create an attractive and aesthetically pleasing entrance that not only honors Dow's founding family but also exemplifies the tangible growth that has taken place at Dow's original site over the past 120 years. With continued investment and support from the City Council, Michigan Operations can become the premier chemical manufacturing facility in the Midwest – generating significant additional value for Dow, our customers, shareholders and the community.

# Proposed Street Vacation|S.Saginaw Road



**Backup material for agenda item:**

4. Approving the Labor Agreement between the City of Midland and the Midland Municipal Supervisory Employees Association. STONE

**SUMMARY REPORT TO MANAGER**  
for City Council Meeting of 05/22/2017

**SUBJECT:** Approval of Labor Agreement, Midland Municipal Supervisory Employees Association

**RESOLUTION SUMMARY:** This resolution approves the negotiated contract settlement between the City of Midland and the Midland Municipal Supervisory Employees Association for a three-year period expiring June 30, 2020 and authorizes the Interim Manager to make the necessary budget transfers.

**ITEMS ATTACHED:**

1. Letter to Interim City Manager from the Human Resources Director.
2. Resolution approving contract and authorizing Interim City Manager to make necessary transfers.

**COUNCIL ACTION:**

1. 3/5 vote required to approve resolution.



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Carol Stone  
Director of HR & Labor Relations



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax

May 12, 2017

David Keenan, Interim City Manager  
City of Midland  
Midland, MI 48640

Dear Dave,

The following is a summary of the tentative agreement reached between the Midland Municipal Supervisory Employees Association and the City of Midland as ratified by the employees. The contract duration is three years from July 1, 2017 through June 30, 2020.

1. Wage Adjustments:

7-1-17: 2.5%

7-1-18: 2%

7-1-19: 2%

2. Pension: All pension changes are effective 1/1/2018 and include significant changes to the MERS defined benefit plan.

Existing Defined Benefit Plan: Bridges the multiplier down from 2.5% to 2.25% for all service time earned on or after 1/1/2018. Final Average Compensation was amended to include base wages and overtime only. Final payouts at retirement will no longer be included in the final average compensation. A graduated employee contribution will also be implemented:

1/1/18: 2%

1/1/19: 3%

1/1/20: 4%

Existing Defined Contribution (DC) Plan: The City's contribution will be 12% with a mandatory employee contribution of 5%. Contributions will no longer be split between the MERS DC program and the ICMA 457 Deferred Comp Program. All contributions will be made to the MERS DC program which will reduce the City's FICA obligations.

New Hybrid Plan: All new hires will be covered under a Hybrid plan. The hybrid plan contains both a defined benefit and defined contribution component. The defined benefit plan multiplier will be 1% on base wages and overtime only. There is a mandatory 5% employee contribution to the hybrid plan. The City's contribution towards the hybrid plan is capped at 12% with the difference between the cost of the defined benefit plan and the 12% cap contributed to the defined contribution component of the program.

3. Holidays: Martin Luther King Day was added as a paid holiday. In addition, the ½ day off on New Year's Eve has been eliminated and the ½ day off on Christmas Eve has been expanded to a full day off. This brings the benefit in line with the other employee groups.



4. Overtime: Overtime provisions were amended to pay double time for overtime hours worked on Sunday or the employee's second day off for those working an alternative schedule. This is in keeping with overtime provisions for other employee groups.
5. Shift Differential: Shift differential has been amended to read as follows: "For regularly scheduled work between the hours of 4:00 p.m. and 12:00 midnight, a shift differential of seventy-five (75) cents per hour shall be paid. For regularly scheduled work between the hours of midnight and 8:00 a.m., a shift differential of one dollar and twenty-five cents (\$1.25) per hour shall be paid." This brings this benefit in line with the other employee groups.
6. Certificate Pay: Annual lump sum payments for State certifications in water and wastewater operations have been increased from \$800 to \$950 and a payment of \$550 has been added for pesticide licenses. This brings this benefit in line with the other employee groups.

I'd like to extend appreciation to the Supervisory employees and their bargaining team for working with the City to address unfunded pension liabilities and the sustainability of the pension program.

Sincerely,



Carol Stone  
Director of HR & Labor Relations



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BY COUNCILMAN

RESOLVED, that the Mayor and City Clerk are hereby authorized to execute the final contract document between the City of Midland and the Midland Municipal Supervisory Employees Association, for labor contract changes effective July 1, 2017 and expiring June 30, 2020; and

RESOLVED FURTHER, that the Interim City Manager is hereby authorized to make appropriate transfers and modifications in the current budget to implement the wage and benefits changes identified in the contract.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, May 22, 2017.

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Selina Tisdale, City Clerk

**Backup material for agenda item:**

5. Approving the City Manager Candidate Profile. STONE ITEM POSTPONED

**SUMMARY REPORT TO MANAGER**  
for City Council Meeting of 05/22/2017

**SUBJECT:** Approval of the candidate profile for the position of City Manager.

**RESOLUTION SUMMARY:** This resolution approves the candidate profile for the position of City Manager.

**ITEMS ATTACHED:**

1. Letter to Interim City Manager from the Human Resources Director
2. City Manager Candidate Profile (available 05-19-17)
3. Resolution approving the candidate profile

**COUNCIL ACTION:**

1. 3/5 vote required to approve resolution.

  
\_\_\_\_\_  
Carol Stone  
Director of HR & Labor Relations



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May 17, 2017

David Keenan, Interim City Manager  
City of Midland  
Midland, MI 48640

Dear Dave,

The City Council has contracted with Strategic Government Resources (SGR) to assist in the recruitment of a new City Manager. The first step in the recruitment process is creation of the candidate profile. A draft of the profile will be available on Friday, May 19<sup>th</sup> for review and approval by City Council at their May 22<sup>nd</sup> meeting.

The profile was developed with input from community stakeholders. Doug Thomas of SGR met with City Council, community leaders, government officials, City department heads and union representatives. In addition, input was received from citizens via a survey on the City's website.

The candidate profile will be used to market the position. Marketing of the position will begin as soon as the profile is approved.

Sincerely,

Carol Stone  
Director of HR & Labor Relations

Reserved for City Manager Candidate Profile

Available on Monday, May 22, 2017



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BY COUNCILMAN

WHEREAS, the City Council has contracted with Strategic Government Resources (SGR) to assist in the recruitment process for the position of City Manager; and

WHEREAS, the first step in the recruitment process is creation of a candidate profile that identifies the traits and characteristics desired in the City Manager and provides candidates with a description of the community and information on any pending issues and areas of concern; now therefore

RESOLVED, that the City Council hereby approves the City Manager candidate profile prepared by Strategic Government Resources including amendments, if any, made by City Council.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, May 22, 2017.

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Selina Tisdale, City Clerk

**Backup material for agenda item:**

6. Adopting the City Manager's Proposed 2017-18 Budget. KEENAN



**SUMMARY REPORT**  
For City Council Meeting of May 22, 2017

**SUBJECT:** 2017-2018 Budget Adoption

**INITIATED BY:** David A. Keenan, Interim City Manager

**RESOLUTION SUMMARY:**

This resolution adopts the annual budgets of the various City funds for the fiscal year beginning July 1, 2017 and ending June 30, 2018, authorizes the City Assessor to levy 12.4415 mills of property taxes for general operations, .3060 mills for storm water operations, 1.0000 mill for library operations, 1.1306 mills for public safety pension, and .2604 mills for general obligation sanitary sewer debt, for a total of 15.1385 mills, authorizes the levy of an additional 2 mills of property taxes on property in the 2006 Amended Downtown Development District, authorizes the imposition of a tax administration fee of one percent on all applicable taxes levied on both the winter and summer tax billings, authorizes imposition of an additional four percent fee for taxes paid after the tax payment due dates, designates that the General Fund's fund balance for the fiscal year ending June 30, 2017 shall include \$3,697,598 as Committed Fund Balance for Future Year Expenditures, \$1,500,000 as a Committed Fund Balance for Contingencies, \$3,383,856 as a Committed Fund Balance for Budget Stabilization, and an amount to be determined as Assigned Fund Balance for Encumbrances, authorizes the Interim City Manager to encumber into the 2017-2018 budgets of the various City funds, items that comply with designated criteria identified in the resolution, and finally directs the Interim City Manager to provide an explanation of amounts encumbered to City Council in the quarterly financial report for the period ending September 30, 2017.

**ITEMS ATTACHED:**

1. Letter of transmittal
2. Resolution

**CITY COUNCIL ACTION:**

3/5 affirmative vote required to approve resolution

---

David A. Keenan,  
Interim City Manager



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TO: Honorable Mayor and City Council

FM: David A. Keenan, Interim City Manager

DT: May 17, 2017

RE: Adoption of 2017-2018 Budget

Section 11.5 of the City Charter requires that, not later than the fourth Monday in May, Council shall adopt the budget for the next fiscal year and provide for a levy of the amount necessary to be raised by taxes for municipal purposes. Council will be presented with a resolution to adopt the 2017-2018 fiscal year budget at their regular meeting on Monday, May 22, 2017.

Attached is a proposed Council resolution, which would accomplish the following:

- Adopt budgets for the various City funds for the fiscal year beginning July 1, 2017 and ending June 30, 2018.
- Authorize the levy of a total of 15.1385 mills of property taxes comprised of the following:
  - 12.4415 mills for general operations;
  - 0.3060 of a mill for storm water operations;
  - 1.0000 mill for library operations;
  - 1.1306 mills for public safety pension; and
  - 0.2604 of a mill for general obligation sanitary sewer debt.
- Authorize the levy of an additional 2 mills on property in the 2006 Amended Downtown Development District.
- Authorize a one percent (1%) tax administration fee on all applicable taxes levied on both the summer and winter property tax bills, to offset costs incurred in assessing property values, collecting property tax levies, and processing taxes under review and appeal.
- Authorize a four percent (4%) fee on taxes paid after the tax payment due dates.

May 17, 2017  
Page 2

- Comply with Governmental Accounting Standard 54 by designating that the General Fund's fund balance for the fiscal year ending June 30, 2016 shall include:
  - \$3,697,598 as Committed Fund Balance for Future Year Expenditures. This is the carryover amount that is used to balance the 2016-17 budget.
  - \$1,500,000 as a Committed Fund Balance for Contingencies.
  - \$3,383,856 as a Committed Fund Balance for Budget Stabilization.
  - An amount to be determined by the City's Interim City Manager as Assigned Fund Balance for Encumbrances. This amount will be determined several weeks after fiscal yearend.

Council action is required prior to yearend on the above items. Rather than come to Council separately later to request approval, and because each is budgetary in nature, they are presented as part of the final steps of approving the budget for the 2017-2018 fiscal year.

- Authorize the Interim City Manager to encumber into the 2017-2018 budgets of the various City funds items requested by staff provided that: 1) there is sufficient remaining budget in 2016-2017, 2) each item has previous City Council budgetary approval to be spent for the purpose for which it is being requested to be encumbered, 3) the intent to spend the funds for the purpose in which it was originally approved still exists, and 4) periodic costs, such as supplies and other charges which get budgeted for each year are deemed to be non-recurring or necessary to offset unexpected adverse conditions in the upcoming year.
- Direct the Interim City Manager to provide an explanation of amounts encumbered, by fund, to City Council in the quarterly financial report for the period ending September 30, 2017.



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## BY COUNCILMAN

WHEREAS, a public hearing on the 2017-2018 budget was held on Monday, May 8, 2017, at 7:00 p.m., in accord with Section 11.4 of the Charter of the City of Midland and State of Michigan Act 5, Public Acts of 1982, as amended; and

WHEREAS, MCL 211.44 permits local governments which administer property taxes to impose a Property Tax Administration Fee not to exceed one percent (1%) on taxes payable before February 15th of the succeeding year; and

WHEREAS, Section 12.17 of the Charter of the City of Midland requires the City Treasurer to add a four percent (4%) collection fee to all taxes paid after the 15th day of September; and

WHEREAS, MCL 211.44 permits local property tax collecting units to add to taxes collected after February 14 and before March 1, four percent (4%) for late charges and additional fees; and

WHEREAS, pursuant to MCL 211.44, as amended, the governing body must approve by resolution or ordinance an authorization for the imposition of a property tax administration fee, collection fee or any type of late penalty charge; and

WHEREAS, it is the desire of the governing body of the City of Midland to authorize the imposition of a one percent (1%) tax administration fee and a four percent (4%) late penalty collection fee to all applicable taxes levied by all taxing units and payable to the City of Midland; and

WHEREAS, the taxable value of real and personal property in the City of Midland has been determined to be \$2,074,062,031 plus \$98,127,863 of value on the Industrial Facilities Tax Roll; now therefore

RESOLVED, that the budget of the City of Midland for the fiscal year beginning July 1, 2017 and ending June 30, 2018 is hereby determined and adopted as follows:

### **GENERAL FUND**

#### *Sources of Funds:*

Property taxes	\$ 28,200,508
Intergovernmental	7,738,891
Other revenues	4,671,173
Transfers from other funds	65,000
Fund balance	3,697,598
<b>Total Sources of Funds</b>	<b>\$ 44,373,170</b>

### **Adopted**

**GENERAL FUND (cont'd)***Appropriations:*

General government	\$ 6,187,084
Public safety	18,947,044
Public works	2,098,901
Sanitation	3,682,428
Parks and recreation	5,892,938
Other functions	1,706,473
Capital projects	250,000
Contingencies	400,000
Transfers to other funds	5,208,302
<b>Total Appropriations</b>	<b>\$ 44,373,170</b>

**MAJOR STREET FUND***Sources of Funds:*

State gas and weight tax	\$ 4,218,700
County Road Millage	4,010,494
Other revenues	3,128,421
Fund balance	1,255,112
<b>Total Sources of Funds</b>	<b>\$ 12,612,727</b>

*Appropriations:*

Street maintenance	\$ 1,957,793
Street construction	7,657,885
Contingencies	20,000
Transfers to other funds	2,977,049
<b>Total Appropriations</b>	<b>\$ 12,612,727</b>

**LOCAL STREET FUND***Sources of Funds:*

State gas and weight tax	\$ 1,109,400
Other revenues	137,000
Transfers from other funds	2,838,000
<b>Total Sources of Funds</b>	<b>\$ 4,084,400</b>

*Appropriations:*

Street maintenance	\$ 1,613,450
Street construction	1,645,000
Contingencies	20,000
Transfers to other funds	140,014
Fund balance	665,936
<b>Total Appropriations</b>	<b>\$ 4,084,400</b>

**SMARTZONE FUND***Sources of Funds:*

Property taxes	\$ 20,000
Other revenues	15,000
Fund balance	83,000
<b>Total Sources of Funds</b>	<b>\$ 118,000</b>

*Appropriations:*

Operating expenditures	\$ 113,000
Capital expenditures	5,000
<b>Total Appropriations</b>	<b>\$ 118,000</b>

**CENTER CITY AUTHORITY FUND***Sources of Funds:*

Other revenues	\$ 80
<b>Total Sources of Funds</b>	<b>\$ 80</b>

*Appropriations:*

Fund balance	\$ 80
<b>Total Appropriations</b>	<b>\$ 80</b>

**STORM WATER MANAGEMENT FUND***Sources of Funds:*

Operating revenues	\$ 19,700
Other revenues	1,200
Transfers from other funds	949,063
Fund balance	145,031
<b>Total Sources of Funds</b>	<b>\$ 1,114,994</b>

*Appropriations:*

Operating expenditures	\$ 664,994
Storm sewer construction	375,000
Contingencies	25,000
Capital expenditures	50,000
<b>Total Appropriations</b>	<b>\$ 1,114,994</b>

**GRACE A. DOW LIBRARY FUND***Sources of Funds:*

Property taxes	\$ 2,054,410
Operating revenues	514,218
State funds	363,251
Other revenues	59,500
Transfers from other funds	1,446,543
<b>Total Sources of Funds</b>	<b>\$ 4,437,922</b>

*Appropriations:*

Operating expenditures	\$ 4,357,922
Capital expenditures	80,000
<b>Total Appropriations</b>	<b>\$ 4,437,922</b>

**COMMUNITY DEVELOPMENT BLOCK GRANT FUND***Sources of Funds:*

Federal and program	\$ 341,405
<b>Total Sources of Funds</b>	<b>\$ 341,405</b>

*Appropriations:*

Residential home rehabs	\$ 106,506
Other expenditures	186,899
Contingencies	10,000
Transfers to other funds	38,000
<b>Total Appropriations</b>	<b>\$ 341,405</b>

**SPECIAL ACTIVITIES FUND***Sources of Funds:*

Contributions and other	\$ 78,825
Transfers from other funds	5,000
<b>Total Sources of Funds</b>	<b>\$ 83,825</b>

*Appropriations:*

Other expenditures	\$ 68,500
Transfers to other funds	15,000
Fund balance	325
<b>Total Appropriations</b>	<b>\$ 83,825</b>

**MIDLAND HOUSING FUND***Sources of Funds:*

Sale of assets	\$ 255,000
Other revenues	800
Fund balance	8,800
<b>Total Sources of Funds</b>	<b>\$ 264,600</b>

*Appropriations:*

Cost of assets sold	\$ 255,000
Other expenditures	9,600
<b>Total Appropriations</b>	<b>\$ 264,600</b>

**DIAL-A-RIDE FUND***Sources of Funds:*

Operating revenues	\$ 109,000
State funds	871,474
Federal funds	687,523
Other revenues	5,744
Transfers from other funds	715,561
<b>Total Sources of Funds</b>	<b>\$ 2,389,302</b>

*Appropriations:*

Operating expenditures	\$ 2,298,778
Capital expenditures	80,524
Contingencies	10,000
<b>Total Appropriations</b>	<b>\$ 2,389,302</b>

**MIDLAND COMMUNITY TELEVISION FUND***Sources of Funds:*

Operating revenues	\$ 780,050
Other revenues	2,100
<b>Total Sources of Funds</b>	<b>\$ 782,150</b>

*Appropriations:*

Operating expenditures	\$ 603,718
Capital expenditures	38,000
Contingencies	20,000
Fund balance	120,432
<b>Total Appropriations</b>	<b>\$ 782,150</b>



**DOWNTOWN DEVELOPMENT AUTHORITY FUND***Sources of Funds:*

Property taxes	\$ 513,753
Other revenues	5,800
Transfers from other funds	26,500
Fund balance	74,428
<b>Total Sources of Funds</b>	<b>\$ 620,481</b>

*Appropriations:*

Operating expenditures	\$ 570,481
Transfers to other funds	50,000
<b>Total Appropriations</b>	<b>\$ 620,481</b>

**DEBT SERVICE FUND***Sources of Funds:*

Property taxes	\$ 540,176
Intergovernmental	95,341
Other revenues	1,000
Transfers from other funds	1,756,198
<b>Total Sources of Funds</b>	<b>\$ 2,392,715</b>

*Appropriations:*

Debt service	\$ 1,566,237
Transfers to other funds	825,459
Fund balance	1,019
<b>Total Appropriations</b>	<b>\$ 2,392,715</b>

**CIVIC ARENA FUND***Sources of Funds:*

Operating revenue	\$ 1,074,440
Other revenues	21,000
Transfers from other funds	350,000
<b>Total Sources of Funds</b>	<b>\$ 1,445,440</b>

*Appropriations:*

Operating expenses	\$ 1,023,400
Debt service	348,268
Contingencies	25,000
Working capital	48,772
<b>Total Appropriations</b>	<b>\$ 1,445,440</b>

**LANDFILL FUND***Sources of Funds:*

Operating revenue	\$ 2,721,000
Other revenues	76,117
Working capital	1,879,646
<b>Total Sources of Funds</b>	<b>\$ 4,676,763</b>

*Appropriations:*

Operating expenses	\$ 3,301,063
Other expenses	700
Capital expenses	600,000
Capital projects	725,000
Contingencies	50,000
<b>Total Appropriations</b>	<b>\$ 4,676,763</b>

**WASHINGTON WOODS FUND***Sources of Funds:*

Operating revenues	\$ 1,156,200
Other revenues	381,385
Transfers from other funds	38,000
Working capital	1,192,540
<b>Total Sources of Funds</b>	<b>\$ 2,768,125</b>

*Appropriations:*

Operating expenses	\$ 1,449,779
Other expenses	275,346
Capital expenses	38,000
Contingencies	5,000
Capital projects	1,000,000
<b>Total Appropriations</b>	<b>\$ 2,768,125</b>

**RIVERSIDE PLACE FUND***Sources of Funds:*

Operating revenues	\$ 1,436,000
Other revenues	676,252
Working capital	245,739
<b>Total Sources of Funds</b>	<b>\$ 2,357,991</b>

*Appropriations:*

Operating expenses	\$ 1,573,220
Other expenses	541,771
Capital expenses	233,000
Contingencies	10,000
<b>Total Appropriations</b>	<b>\$ 2,357,991</b>

**CURRIE MUNICIPAL GOLF COURSE FUND***Sources of Funds:*

Operating revenues	\$ 960,967
Other revenues	49,000
Transfers from other funds	250,000
<b>Total Sources of Funds</b>	<b>\$ 1,259,967</b>

*Appropriations:*

Operating expenses	\$ 1,049,352
Debt service	29,457
Contingencies	20,000
Capital expenses	40,000
Working capital	121,158
<b>Total Appropriations</b>	<b>\$ 1,259,967</b>

**PARKING FUND***Sources of Funds:*

Operating revenues	\$ 102,800
Other revenues	15,100
Transfers from other funds	55,000
Working capital	27,281
<b>Total Sources of Funds</b>	<b>\$ 200,181</b>

**PARKING FUND (cont'd)***Appropriations:*

Operating expenses	\$ 198,986
Other expenses	1,195
<b>Total Appropriations</b>	<b>\$ 200,181</b>

**WASTEWATER FUND***Sources of Funds:*

Operating revenues	\$ 6,316,210
Other revenues	347,250
State grants	150,000
Transfers from other funds	825,459
Working capital	57,414
<b>Total Sources of Funds</b>	<b>\$ 7,696,333</b>

*Appropriations:*

Operating expenses	\$ 4,553,567
Capital expenses	743,000
Capital projects	830,000
Debt service	1,459,766
Contingencies	50,000
Transfers to other funds	60,000
<b>Total Appropriations</b>	<b>\$ 7,696,333</b>

**WATER FUND***Sources of Funds:*

Operating revenues	\$ 11,199,890
Contractual revenue	688,258
Other revenues	55,965
<b>Total Sources of Funds</b>	<b>\$ 11,944,113</b>

*Appropriations:*

Operating expenses	\$ 8,284,427
Capital expenses	400,000
Capital projects	2,788,180
Debt service	255,512
Contingencies	100,000
Working capital	115,994
<b>Total Appropriations</b>	<b>\$ 11,944,113</b>

**STORES REVOLVING FUND***Sources of Funds:*

Operating revenues	\$ 600,000
Other revenues	2,160
Working capital	325
<b>Total Sources of Funds</b>	<b>\$ 602,485</b>

*Appropriations:*

Operating expenses	\$ 602,485
<b>Total Appropriations</b>	<b>\$ 602,485</b>

**INFORMATION SERVICES FUND***Sources of Funds:*

Operating revenues	\$ 980,653
Other revenues	4,000
Working capital	427,609
<b>Total Sources of Funds</b>	<b>\$ 1,412,262</b>

*Appropriations:*

Operating expenses	\$ 1,317,730
Other expenses	29,532
Contingencies	25,000
Capital expenses	40,000
<b>Total Appropriations</b>	<b>\$ 1,412,262</b>

**EQUIPMENT REVOLVING FUND***Sources of Funds:*

Operating revenues	\$ 4,533,613
Other revenues	85,300
Working capital	784,984
<b>Total Sources of Funds</b>	<b>\$ 5,403,897</b>

*Appropriations:*

Operating expenses	\$ 3,210,306
Other expenses	12,591
Capital expenses	2,156,000
Contingencies	25,000
<b>Total Appropriations</b>	<b>\$ 5,403,897</b>

**MUNICIPAL SERVICE CENTER FUND***Sources of Funds:*

Operating revenues	\$ 396,131
Other revenues	2,564
<b>Total Sources of Funds</b>	<b>\$ 398,695</b>

*Appropriations:*

Operating expenses	\$ 262,197
Capital expenses	97,000
Contingencies	10,000
Working capital	29,498
<b>Total Appropriations</b>	<b>\$ 398,695</b>

**MUNICIPAL SERVICE ANNEX FUND***Sources of Funds:*

Operating revenues	\$ 31,909
Other revenues	200
<b>Total Sources of Funds</b>	<b>\$ 32,109</b>

*Appropriations:*

Operating expenses	\$ 16,406
Capital expenses	4,000
Contingencies	5,000
Working capital	6,703
<b>Total Appropriations</b>	<b>\$ 32,109</b>

**RENEWABLE ENERGY SERVICES FUND***Sources of Funds:*

Operating revenues	\$ 1,034,190
Other revenues	1,000
Transfers from other funds	60,000
Working capital	187,005

***Total Sources of Funds***

\$ 1,282,195
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*Appropriations:*

Operating expenses	\$ 662,659
Capital projects	75,000
Capital expenses	127,500
Debt service	402,036
Contingencies	15,000

***Total Appropriations***

\$ 1,282,195
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**PROPERTY AND LIABILITY INSURANCE FUND***Sources of Funds:*

Operating revenues	\$ 612,760
Working capital	156,240

***Total Sources of Funds***

\$ 769,000
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*Appropriations:*

Operating expenses	\$ 769,000
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***Total Appropriations***

\$ 769,000
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**HEALTH INSURANCE FUND***Sources of Funds:*

Operating revenues	\$ 10,484,922
Other revenues	108,000
Working capital	255,000

***Total Sources of Funds***

\$ 10,847,922
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*Appropriations:*

Operating expenses	\$ 10,847,922
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***Total Appropriations***

\$ 10,847,922
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**SPECIAL ASSESSMENT REVOLVING FUND***Sources of Funds:*

Other revenues	55,000
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***Total Sources of Funds***

\$ 55,000
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*Appropriations:*

Transfers to other funds	\$ 55,000
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***Total Appropriations***

\$ 55,000
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; and

RESOLVED FURTHER, that the City Assessor is hereby authorized and instructed to levy 12.4415 mills for operations, .3060 mills for storm water operations, 1.0000 mill for library operations, 1.1306 mills for public safety pension, and 0.2604 mills for general obligation sanitary sewer debt, a total of 15.1385 mills, on the taxable value of the various classes of property in the City of Midland on the 2017 City tax roll, in accordance with provisions of Act 114, Public Acts of 1979; and

RESOLVED FURTHER, that in accordance with the recommendation of the Downtown Development Authority, the City Assessor is hereby authorized and instructed to levy an additional 2.0000 mills for operations on the taxable value of the various classes of property on the 2017 City tax roll in the 2006 Amended Downtown Development District; and

RESOLVED FURTHER, that in accordance with MCL 211.44 the City Assessor is hereby authorized and instructed to impose a tax administration fee of one percent (1%) on all applicable taxes levied on both the summer and winter property tax bills in the City of Midland, to offset costs incurred by the City of Midland in assessing property values, collecting property tax levies, and processing taxes under review and appeal; and

RESOLVED FURTHER, that the City Treasurer is hereby authorized and instructed to add to all summer taxes paid after the legal due date of September 15 (or the next business day if that day falls on a holiday or weekend) a four percent (4%) late penalty collection fee on all delinquent parcels within the City of Midland. The City Treasurer is also hereby authorized to add to all winter taxes paid after February 14 (or the next business day if that day falls on a holiday or weekend) a four percent (4%) late penalty collection fee on all delinquent parcels within the City of Midland. Said collection fee, for both summer and winter taxes, is to be calculated on the unpaid base tax plus the one percent (1%) tax administration fee; and

RESOLVED FURTHER, that such added penalty and administrative fees for summer and winter taxes shall belong to the City of Midland and constitute a charge and shall be a lien against the property to which the taxes themselves apply, collectible in the same manner as the taxes to which they are added. The City Treasurer shall apply payments received on delinquent parcels to penalties, interest, and administrative fees before applying payments to delinquent taxes; and

RESOLVED FURTHER, that all City of Midland taxes and administrative fees on summer and winter real property, and penalties on summer real property levied in the immediately preceding year that remain uncollected by the City Treasurer on the first day of March (or the next business day if that day falls on a holiday or weekend) shall be turned over to the County Treasurer as delinquent for collection. These delinquencies and the related settlement distributions from the County shall include all assessments, interest, charges, administrative fees and penalties hereinto provided, and shall be part of the County's delinquent tax roll, collected in the same manner as other taxes returned to the County Treasurer are collected, as provided by law, and shall be and remain a lien upon the property against which they are assessed until paid; and

RESOLVED FURTHER, that for the City's fiscal year ending June 30, 2017, the General Fund's fund balance shall include \$3,697,598 as a Committed Fund Balance for Future Year Expenditures, \$1,500,000 as a Committed Fund Balance for Contingencies, and \$3,383,856 as a Committed Fund Balance for Budget Stabilization; and

RESOLVED FURTHER, that for the City's fiscal year ending June 30, 2017, the City's funds shall include an amount to be determined by the City's Interim City Manager as Assigned Fund Balance for Encumbrances as authorized by the Interim City Manager as appropriate to be encumbered into the 2017-18 budgets and financial working plans, providing that: 1) there is sufficient remaining budget in 2016-2017, 2) each item has previous City Council budgetary approval to be spent for the purpose for which it is being requested to be encumbered, 3) the intent to spend the funds for the purpose in which it was originally approved still exists, and 4) periodic costs, such as supplies and other charges which get budgeted for each year are deemed to be non-recurring or necessary to offset unexpected adverse conditions in the upcoming year; and

RESOLVED FURTHER, that the Interim City Manager is directed to provide an explanation of amounts encumbered, by fund, to City Council in the quarterly financial report for the period ending September 30, 2017.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a       yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, May 22, 2017.

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Selina Tisdale, City Clerk



**Backup material for agenda item:**

7. \* Reappointment of Yeo & Yeo PC, CPAs as the City's independent auditors.  
KEENAN

**SUMMARY REPORT**  
For City Council Meeting of May 22, 2017

**SUBJECT:** Reappointment of Yeo & Yeo PC, CPAs as the City's Independent Auditors

**INITIATED BY:** David A. Keenan, Interim City Manager

**RESOLUTION SUMMARY:**

This resolution reappoints Yeo & Yeo PC, CPAs as the City's independent auditors for the fiscal years ending June 30, 2017, 2018, 2019, 2020, and 2021 at an annual cost of \$48,200, \$49,300, \$50,400, \$51,600, and \$52,800, respectively. The City Manager is authorized to approve change orders in an amount not to exceed \$5,000 per year, for years 2017 through 2021.

**ITEMS ATTACHED:**

1. Letter of transmittal
2. Resolution
3. Extension offer from Yeo & Yeo PC, CPAs

**CITY COUNCIL ACTION:**

- ❖ 4/5 affirmative vote required to approve resolution

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David A. Keenan, Interim City Manager



City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640 ♦ 989.837.3300 \* 989.837.2717 Fax ♦ [www.cityofmidlandmi.gov](http://www.cityofmidlandmi.gov)

TO: Honorable Mayor and City Council

FM: David A. Keenan, Interim City Manager

DT: May 17, 2017

RE: Reappointment of Yeo & Yeo PC, CPAs as the City's Independent Auditors

Section 11.10 of the City Charter requires annual audits of the City's financial records by qualified accountants experienced in municipal accounting. City Council appointed Yeo & Yeo PC, CPAs as independent auditors in 2009, following a competitive process. Yeo & Yeo PC, CPAs was selected over three other firms because of its extensive experience in municipal accounting, its reputation for providing professionally competent auditing services at a reasonable cost, and its ability to provide consultative services in other related areas of expertise. They have performed the City's audits for the years ended June 30, 2009 – 2016. The cost for their final year was \$48,270.

Yeo & Yeo PC, CPAs has expressed an interest in extending the term of its relationship with the City. They have offered two proposals. The first is a three-year engagement which would provide for annual increases of 3% (over their final year of \$48,270). The second is a five-year engagement that would hold their prices firm for 2017, and then apply a 2% inflator for subsequent years.

I would like to recommend to Council that we accept their five-year proposal for the following reasons:

- We realized significant savings by selecting them as low bid in 2009, and their rates have had minimal increases from year to year.
- Over the past eight years they have learned the City's accounting system and controls, including making the transition from HTE to New World. This was not accomplished without some significant effort from City staff. I would like for City staff to be able to focus on finding efficiencies in other areas, rather than training new auditors.
- Despite the very aggressive pricing by Yeo & Yeo PC, CPAs, they have proven to be very helpful, flexible, and a useful resource in providing direction in the ever-changing accounting pronouncements. Their threshold for asking for additional charges for time spent has been much less than with previous auditors. We continue to receive the Government Finance Officers Association Certificate of Excellence.

May 17, 2017  
Page 2

- Our fixed costs for the next five years will be known. After the fifth year of the proposal, our June 30, 2021 annual audit will cost \$52,800 compared to \$48,270 for June 30, 2016 and \$70,289 (Plante & Moran) for June 30, 2008.

Sealed competitive bids are viewed as impractical due to the previous reasons, in accordance with Section 2-18 of the Midland Code of Ordinances. The attached resolution would approve reappointment of Yeo & Yeo PC, CPAs, as the City's independent auditors for five years, through June 30, 2021.

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David A. Keenan  
Interim City Manager

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Tiffany Jurgess  
Assistant City Controller



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BY COUNCILMAN

RESOLVED, that bidding independent auditing services are determined to be impractical within the purview of Section 2-18 of the Midland Code of Ordinances and, as such, sealed competitive bids are waived; and

RESOLVED FURTHER, that the public accounting firm of Yeo & Yeo PC, CPAs is hereby reappointed as the City's independent auditors for the fiscal years ending June 30, 2017, 2018, 2019, 2020 and 2021 at a total cost per year of \$48,200, \$49,300, \$50,400, \$51,600, and \$52,800, respectively; and

RESOLVED FURTHER, that the City Manager is hereby authorized to approve change orders in an amount not to exceed \$5,000 per year, for years 2017 through 2021.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, May 22, 2017.

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Selina Tisdale, City Clerk



3023 Davenport Ave.  
Saginaw, MI 48602  
(989) 793-9830 / (800) 968-0010  
Fax (989) 793-0186

April 20, 2017

David A. Keenan  
City of Midland  
333 West Ellsworth St.  
Midland, MI 48640-5132

We appreciate the opportunity and thank you for considering an extension to our auditing engagement. We have enjoyed working with you and your staff and feel we have been able to provide a quality audit team. We have a deep understanding of how the organization operates, which helps us identify key areas during our audit to identify weaknesses, offer opportunities to strengthen controls, and make suggestions to increase operating efficiencies.

We do understand that cost is an important factor and we feel we can offer the following for your consideration:

5 Year Option	Audit	Single Audit	CAFR
2017	\$38,500	\$5,500	\$4,200
2018	\$39,400	\$5,600	\$4,300
2019	\$40,300	\$5,700	\$4,400
2020	\$41,300	\$5,800	\$4,500
2021	\$42,300	\$5,900	\$4,600

Again, thank you for this opportunity and should you have any questions, feel free to contact me at your convenience.

Sincerely,



David R. Youngstrom, CPA  
Principal

Acceptance:

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Signature & Title

**Backup material for agenda item:**

8.       \* 2017 Main Street Improvements; Contract No. 21. MCMANUS

**SUMMARY REPORT TO THE CITY MANAGER**

for Council Meeting of May 22, 2017

**SUBJECT:** 2017 MAIN STREET IMPROVEMENTS; CONTRACT NO. 21

**INITIATED BY:** City of Midland Engineering Department

**RESOLUTION SUMMARY:** This resolution authorizes the Mayor and City Clerk to execute a contract with Fisher Contracting Company in the amount of \$6,309,349.00 for the downtown streetscape improvements on Main Street. Resolution also authorizes the Interim City Manager to approve change orders in an aggregate amount not to exceed \$175,000.00.

**ITEMS ATTACHED:**

1. Cover Letter
2. Resolution
3. Location Map

**CITY COUNCIL ACTION:** 3/5 vote required to approve resolution

**SUBMITTED BY:** Brian P. McManus, City Engineer





City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax

May 17, 2017

David A. Keenan, Interim City Manager  
City of Midland, Michigan

Dear Mr. Keenan:

In April 2016, the Downtown Development Authority (DDA) issued a Request for Proposal (RFP) for the Downtown Midland Streetscape Redevelopment Study and Conceptual Engineering Design Plan. The contract for these design services was awarded to SmithGroupJJR of Ann Arbor. From May until November, SmithGroupJJR developed the redevelopment study and conceptual design plan. This design plan included public input through multiple public meetings and input sessions. Public input has been obtained throughout the development of the concept plan.

SmithGroupJJR was then awarded additional design services in November 2016, to develop construction documents from the streetscape concept plan. SmithGroupJJR completed this task and provided a plan set for bidding purposes in April 2017.

On Friday, May 12, 2017 at 2:00 p.m., sealed proposals were publicly opened and read by the City Controller for the "2017 Main Street Improvements; Contract No. 21".

There were 9 individuals attending the opening representing vendors and the City.

Bids were received as follows:

*Engineer's Estimate		\$6,200,000.00
Fisher Contracting Co.	Midland, MI	\$6,309,349.00
Champagne & Marx Excavating, Inc.	Saginaw, MI	\$6,498,436.65

Funding for this project is through the generous support of local foundations, including The Herbert H. and Grace A. Dow Foundation; the Rollin M. Gerstacker Foundation; and the Charles J. Strosacker Foundation. In addition to the foundation support for construction, project management and construction inspection is funded by the Major Street Fund, new water main is funded by the Water Fund and underground sanitary sewer work is funded by the Wastewater Fund.

This construction project contract is for the complete demolition of the existing streetscape and construction of a new streetscape of Main Street from Jerome Street/M-20 to the East End Building parking lot driveway, just south of the Poseyville Bridge. A new water main is also included from Gordon Street to Jerome/M-20 to improve the water network.

The contract includes standard streetscape amenities including new illumination lights, sidewalk, benches, trees and irrigation system. Street lighting will be upgraded to efficient LED lights. The existing pavers used for the walkway will be removed and replaced with sidewalk. The new sidewalk will be finished with three different surface finishes to provide

an aesthetically differential appearance. The roadway pavement will also be removed and resurfaced. Three blocks of the project will be rebuilt as a festival-style street. A festival street removes impediments for pedestrians by maintaining a consistent elevation across the roadway creating more usable and conducive space for the many downtown activities and events. All new trees will be included with the streetscape project.

In addition to standard streetscape amenities, space is being accommodated for special amenities not included with this contract. It is anticipated that additional funding will be raised for these items. The special amenities could include items such as gateway features, fire pits, fountains or pergola structures.

An award of the contract on May 22 will maintain the rigorous design and construction schedule for the streetscape project. Apart from unforeseen site conditions and negative weather impacts to construction, it is anticipated that the project will be complete in 26 weeks from when the contractor begins work. The project proposal is to work block by block beginning at Rodd Street and working towards Jerome/M-20. This will allow the contractor the space within an entire block and improve safety by reducing the amount of traffic in the work zone. The final blocks to be completed will be from Rodd Street to the East End Building parking lot driveway, just south of the Poseyville Bridge.

This project was recommended by the DDA, the Engineering Department, Department of Public Services and the Utilities Department and approved by City Council during the annual Construction Project Priorities process.

It is our recommendation that the low bid of \$6,309,349.00 submitted by Fisher Contracting Co. of Midland, MI be accepted in the best interest of the City of Midland.

Contract resolutions typically include authorization for the City Manager to approve change orders to address unforeseen conditions which occur during construction. For typical street reconstruction, \$20,000.00 is sufficient, and not often used. The streetscape contract is abnormally large and involves specialty work and construction methods not typically seen on a standard street project. Also, the work is in an older part of town where there can be many unforeseen conditions. To address potential unforeseen issues in a timely manner, the resolution includes authorization for the Interim City Manager to approve change orders in an aggregate amount not to exceed \$175,000.00.

Respectfully submitted,

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Brian P. McManus, City Engineer

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Tiffany Jurgess, Assistant Controller



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BY COUNCILMAN

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for streetscape improvements on Main Street; and

WHEREAS, funding for this project is provided by local foundation support and the Major Street and Water Funds; now therefore

RESOLVED, that the low sealed proposal submitted by Fisher Contracting Co. of Midland, Michigan for the "2017 Main Street Improvements; Contract No. 21", in the amount of \$6,309,349.00 is hereby accepted and the Mayor and the City Clerk are authorized to execute a contract therefore in accord with the proposal and the City's specifications; and

RESOLVED FURTHER, that the Interim City Manager has the authority to approve change orders modifying or altering this contract in an aggregate amount not to exceed \$175,000.00.

YEAS:

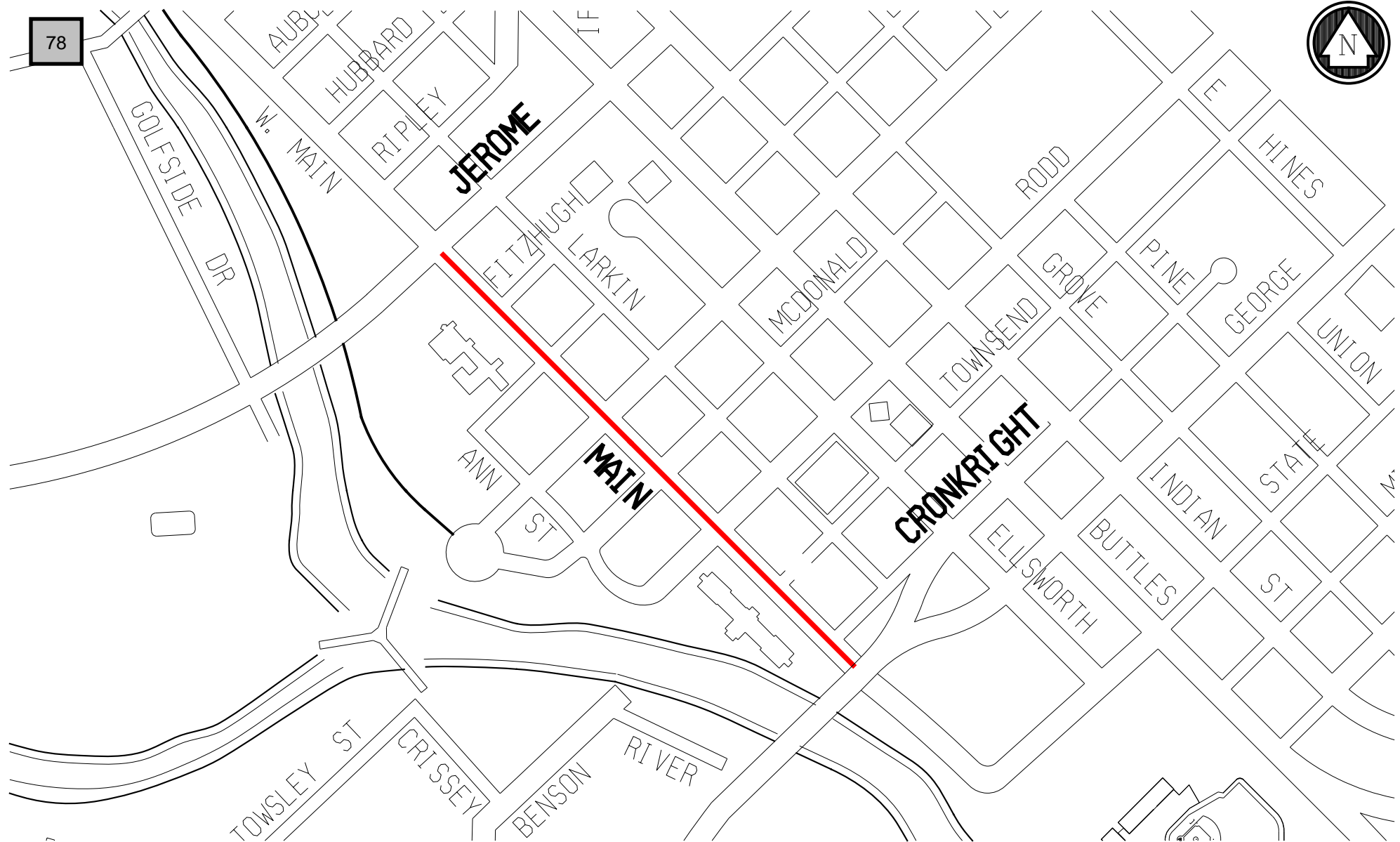
NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a        yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, May 22, 2017.

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Selina Tisdale, City Clerk



# MAIN STREET STREETSCAPE

## JEROME TO CRONKRIGHT

**Backup material for agenda item:**

9. \* Project Management and Construction Inspection Services for 2017 Main Street Improvements. MCMANUS

**SUMMARY REPORT TO THE CITY MANAGER**  
for Council Meeting of May 22, 2017

**SUBJECT:** Construction Inspection Services for 2017 Main Street Improvements

**INITIATED BY:** City of Midland Engineering Department

**RESOLUTION SUMMARY:** This resolution authorizes a purchase order to OHM Advisors of Midland, MI for project management and construction inspection services in the amount of \$230,750.00. Resolution also authorizes the Interim City Manager to approve change orders in an aggregate amount not to exceed \$20,000.00.

**ITEMS ATTACHED:** 1. Cover Letter  
2. Resolution

**CITY COUNCIL ACTION:** 3/5 vote required to approve resolution

**SUBMITTED BY:** Brian McManus, City Engineer



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May 16, 2017

David A. Keenan, Interim City Manager  
City of Midland, Michigan

Dear Mr. Keenan:

We have determined a need for outside project management and construction inspection services for the “2017 Main Street Improvements; Contract No. 21” project. This includes the construction engineering and inspection of the street reconstruction on Main Street from Jerome/M-20 to the East End Building parking lot driveway, just south of the Poseyville Bridge. Project management and construction inspection for this project will be funded by the Major Street and Water Funds. Funding for the construction project is provided by local foundation support and the Water Fund.

Proposals were received on May 12, 2017 for qualifications and rates from engineering firms to perform the requested services. The bid proposals were analyzed based on minimum required MDOT quality assurance and quality control qualifications, minimum of 5 years of related project experience and hourly rates. The firms submitting proposals are listed below:

OHM Advisors (Midland)	\$230,750.00
Fishbeck, Thompson, Carr & Huber (Lansing)	\$423,260.00

It is our recommendation that the proposal submitted by OHM Advisors of Midland in the amount of \$230,750.00 be accepted in the best interest of the City of Midland and that the Assistant Controller be authorized to issue a purchase order.

Respectfully submitted,

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Brian P. McManus, City Engineer

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Tiffany Jurgess, Assistant Controller



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BY COUNCILMAN

WHEREAS, the Engineering Department has determined a need for outside construction inspection services and project management services for the “2017 Main Street Improvements; Contract No. 21” project; and

WHEREAS, proposals were received from interested engineering firms in accordance with the City’s purchasing policy; and

WHEREAS, funding for said projects are provided by the Major Street and Water Funds; now therefore

RESOLVED, that the proposal received from OHM Advisors of Midland, Michigan is hereby accepted; and

RESOLVED FURTHER, that the City Council authorizes a purchase order in the amount of \$230,750.00 for construction inspection services and project management on the “2017 Main Street Improvements” project based on rates provided and estimated hours; and

RESOLVED FURTHER, that the Interim City Manager has the authority to approve any change orders modifying or altering this contract in an aggregate amount up to \$20,000.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a       yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, May 22, 2017.

---

Selina Tisdale, City Clerk



**Backup material for agenda item:**

10. \* Community Bridge Mural Projects. MCMANUS

**SUMMARY REPORT TO THE CITY MANAGER**

for Council Meeting of May 22, 2017

**SUBJECT:** Bridge Mural Projects

**INITIATED BY:** City of Midland Engineering Department

**RESOLUTION SUMMARY:** This resolution authorizes placement of murals on the underside walls and structure of bridges located at B.R. 10 and Waldo Avenue and B.R. 10 and Saginaw Road subject to obtaining applicable agreements and permits from the City.

**TEMS ATTACHED:**

1. Cover Letter
2. Resolution
3. Location Maps
4. Correspondence
5. Sample Mural Sketches

**CITY COUNCIL ACTION:** 3/5 vote required to approve resolution

**SUBMITTED BY:** Brian McManus, City Engineer



*City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax*

DATE: May 16, 2017

TO: David Keenan, Interim City Manager

FROM: Brian McManus, City Engineer

SUBJECT: Community Bridge Mural Projects

The Midland Area Community Foundation (MACF) is interested in sponsoring the painting of murals at two bridge locations in Midland to enhance and beautify our community. They desire approval to paint these murals on the underside walls and structure of the B.R. 10 Bridge over Saginaw Road and the B.R. 10 Bridge over Waldo Avenue.

MACF has been soliciting proposals from artists that are experienced with painting murals along highways. Artists are asked to respond with preliminary designs that depict aspects of Midland. These designs can be figurative (such as the speed of innovation, depicted in the attached sample drawing) or literal, showing scenes from our community.

The Community Public Art Committee will review designs and then engage the community in selecting the final community-themed design. They will do this through public input conducted through social media avenues. After these community-favored designs are chosen, MACF plans to complete the murals by the end of August.

Both bridges under consideration are under the jurisdiction of the Michigan Department of Transportation (MDOT). MDOT requires that a maintenance agreement be executed between the City of Midland and MDOT. This agreement will be provided by MDOT on their standard form. Secondly, we will require an agreement between the City of Midland and MACF to ensure proper content, installation and maintenance of the murals.

The chosen artist will provide scaffolding, traffic control, barricading, insurance and other necessary conditions as required by the City to perform the work in a safe manner along these highway corridors.

Approval of the attached resolution would grant approval to place the murals at two bridge locations subject to a permit from the City Engineering Department. In addition, the resolution authorizes the Interim City Manager and City Attorney to approve the final content of the mural and approve all necessary related agreements and documents.



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BY COUNCILMAN

WHEREAS, the Midland Area Community Foundation (MACF) desires to beautify the community by creating two murals on the abutment walls and substructure of two bridges in Midland; and

WHEREAS, said bridges are located at B.R. 10 and Waldo Avenue and B.R. 10 and Saginaw Road and are under the jurisdiction of the Michigan Department of Transportation (MDOT); and

WHEREAS, MACF has been soliciting proposals from artists that are experienced with painting murals along highways and will focus on designs that are either figurative, such as speed of innovation, or literal showing scenes from our community or similar; and

WHEREAS, MACF will engage the community in selecting the final community-themed design utilizing social media avenues; and

WHEREAS, MDOT requires that the City of Midland enter into an agreement for mural operation and maintenance within state jurisdiction; and

WHEREAS, the City of Midland requires that MACF enter into an agreement for mural construction, operation and maintenance within City road jurisdiction; now therefore

RESOLVED, that the City Council hereby authorizes placement of murals on the underside walls and substructure of bridges located at B.R. 10 and Waldo Avenue and B.R. 10 and Saginaw Road subject to obtaining applicable permits from the City; and

RESOLVED FURTHER, that the Interim City Manager and City Attorney are hereby authorized to approve all necessary agreements and documents related to the mural work including MDOT requirements; and

RESOLVED FURTHER, that the Interim City Manager and City Attorney are hereby authorized to approve the final content of the mural prior to installation.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a           yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, May 22, 2017.

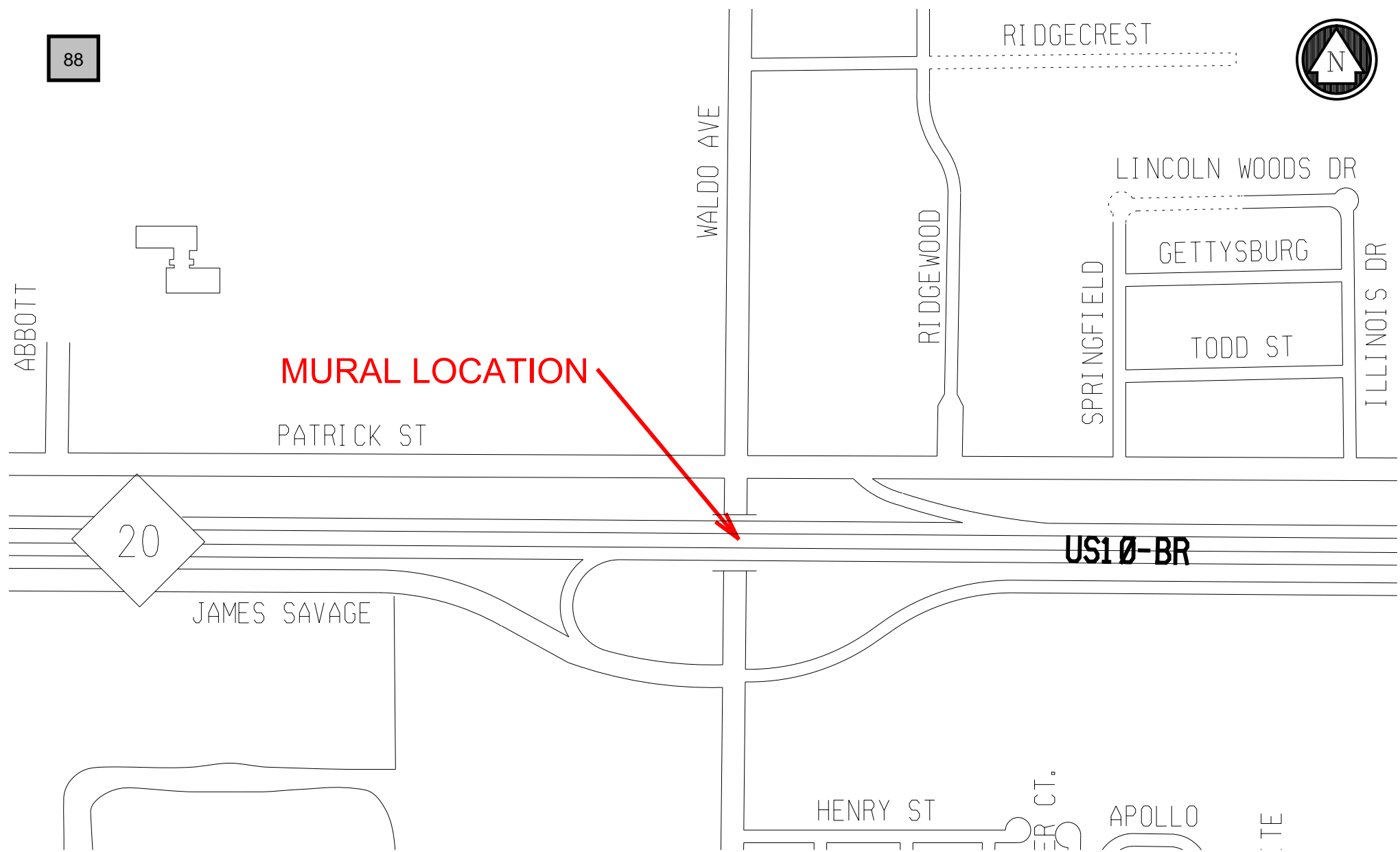
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Selina Tisdale, City Clerk



# MURAL LOCATION

## SAGINAW AT US10-BR



# MURAL LOCATION

## WALDO AT US10-BR



March 31, 2017

Honorable Mayor Maureen Donker and City Council Members  
City of Midland  
333 West Ellsworth Street  
Midland, MI 48640

Dear Council Members:

The Midland Area Community Foundation respectfully requests approval to paint murals on the South Saginaw Road bridge and the Waldo Road bridge.

As part of the process of selecting the designs for the bridges, we plan to engage the community in selecting the final design. We will do this through a public vote conducted online. Once the designs have been selected, we will be ready to move forward.

We request that the City of Midland engage the Michigan Department of Transportation in developing a maintenance contract and approving the project.

Thank you for your consideration and please feel free to contact me with any questions you may have.

Respectfully,

A handwritten signature in black ink, appearing to read "Sharon Mortensen".

Sharon Mortensen  
President and CEO

Cc: Jon Lynch, City Manager; Brian McManus, City Engineer



## Speed of Innovation

The incredible scientific development that has been a mainstay in our community has built upon a long legacy of breakthroughs and innovative discoveries. Each new revelation only leads to faster development and understanding of the world in which we live. Discoveries are rarely on a straight trajectory, rather, they swirl, swoop, and whirl from mere ideas in our minds to becoming a reality.





### **Dow Gardens\_Butterflies - DGB**

**Presenting the breath taking wonders of Dow Gardens and the annual Butterflies in Bloom enlarged to massive proportions.**

**Backup material for agenda item:**

11. \* 2017 Jay Street Reconstruction and Water Main; Contract No. 11.  
MCMANUS

**SUMMARY REPORT TO THE CITY MANAGER**

for Council Meeting of May 22, 2017

**SUBJECT:** 2017 JAY STREET RECONSTRUCTION & WATER MAIN;  
CONTRACT NO. 11

**INITIATED BY:** City of Midland Engineering Department

**RESOLUTION SUMMARY:** This resolution authorizes the Mayor and City Clerk to execute a contract with Malley Construction, Inc. in the amount of \$454,517.00 for the reconstruction of Jay Street. Resolution also authorizes the Interim City Manager to approve change orders in an aggregate amount not to exceed \$20,000.00.

**ITEMS ATTACHED:**

1. Cover Letter
2. Resolution
3. Location Map

**CITY COUNCIL ACTION:** 3/5 vote required to approve resolution

**SUBMITTED BY:** Brian P. McManus, City Engineer



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May 16, 2017

David A. Keenan, Interim City Manager  
City of Midland, Michigan

Dear Mr. Keenan:

On Tuesday, May 9, 2017 at 2:00 p.m., sealed proposals were publicly opened and read by the Controller for the "2017 Jay Street Reconstruction and Water Main; Contract No. 11".

There were 6 individuals attending the opening representing vendors and the City.

Bids were received as follows:

Malley Construction, Inc.	Mt. Pleasant, MI	\$454,517.00
Shaw Contracting Co.	Bay City, MI	\$463,342.25
Wards Excavating, LLC	St. Louis, MI	\$464,198.60
Mid-State Earthworks, Inc.	Freeland, MI	\$464,662.50
*Engineer's Estimate		\$490,000.00
Rohde Brothers Excavating, Inc.	Saginaw, MI	\$492,641.00
Sova Excavating & Trucking, Inc.	Midland, MI	\$498,235.25
Crawford Contracting, Inc.	Mt. Pleasant, MI	\$586,556.00

Funding for this project is provided by the Local Street Fund and the Water Fund. This contract is for the water main replacement and street reconstruction on Jay Street from Patrick to the north end of the street. This project was recommended by the Engineering Department, Department of Public Services and the Utilities Department and approved by City Council during the annual Construction Project Priorities process.

It is our recommendation that the low bid of \$454,517.00 submitted by Malley Construction, Inc. of Mt. Pleasant, MI be accepted in the best interest of the City of Midland.

Respectfully submitted,

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Brian P. McManus, City Engineer

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Tiffany Jurgess, Assistant Controller



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BY COUNCILMAN

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for water main replacement and street reconstruction on Jay Street; and

WHEREAS, funding for this project is provided by the Local Street and Water Funds; now therefore

RESOLVED, that the low sealed proposal submitted by Malley Construction, Inc. of Mt. Pleasant, Michigan for the "2017 Jay Street Reconstruction & Water Main; Contract No. 11", in the amount of \$454,517.00 is hereby accepted and the Mayor and the City Clerk are authorized to execute a contract therefore in accord with the proposal and the City's specifications; and

RESOLVED FURTHER, that the Interim City Manager has the authority to approve change orders modifying or altering this contract in an aggregate amount not to exceed \$20,000.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a       yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, May 22, 2017.

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Selina Tisdale, City Clerk

STRATFORD  
WOODS PARK



96

DR

RIDGECREST

RIDGEWOOD

SPRINGFIELD

LINCOLN WOODS DR

GETTYSBURG

TODD ST

ILLINOIS DR

ELLYS LN

JAY

HANCOCK

HAMILTON DR

PAINE DR

QUINCY DR

CLAY

CLAY ST

LEE ST

PATRICK

JAY RECONSTRUCTION  
PATRICK TO HANCOCK

**Backup material for agenda item:**

12. \* 2017 Washington Street Reconstruction; Contract No. 12. MCMANUS

**SUMMARY REPORT TO THE CITY MANAGER**

for Council Meeting of May 22, 2017

**SUBJECT:** 2017 WASHINGTON STREET RECONSTRUCTION;  
CONTRACT NO. 12

**INITIATED BY:** City of Midland Engineering Department

**RESOLUTION SUMMARY:** This resolution authorizes the Mayor and City Clerk to execute a contract with Pyramid Paving Company in the amount of \$203,523.55 for the reconstruction of Washington Street. Resolution also authorizes the Interim City Manager to approve change orders in an aggregate amount not to exceed \$20,000.00.

**ITEMS ATTACHED:**

1. Cover Letter
2. Resolution
3. Location Map

**CITY COUNCIL ACTION:** 3/5 vote required to approve resolution

**SUBMITTED BY:** Brian P. McManus, City Engineer





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May 17, 2017

David A. Keenan, Interim City Manager  
City of Midland, Michigan

Dear Mr. Keenan:

On Tuesday, May 16, 2017 at 2:00 p.m., sealed proposals were publicly opened and read by the Assistant Controller for the "2017 Washington Street Reconstruction; Contract No. 12".

There were 4 individuals attending the opening representing vendors and the City.

Bids were received as follows:

Pyramid Paving Co.	Bay City, MI	\$203,523.55
*Engineer's Estimate		\$230,000.00
Ace-Saginaw Paving Co.	Saginaw, MI	\$233,794.50
Shaw Contracting Co.	Bay City, MI	\$240,246.35
Rohde Brothers Excavating, Inc.	Saginaw, MI	\$263,348.00

Funding for this project is provided by the Major Street Fund. This contract is for street reconstruction on Washington Street from Wheeler Street to Adams Street. This project was recommended by the Engineering Department and the Department of Public Services and approved by City Council during the annual Construction Project Priorities process.

It is our recommendation that the low bid of \$203,523.55 submitted by Pyramid Paving Co. of Bay City, MI be accepted in the best interest of the City of Midland.

Respectfully submitted,

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Brian P. McManus, City Engineer

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Tiffany Jurgess, Assistant Controller



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BY COUNCILMAN

WHEREAS, sealed proposals have been advertised and received in accord with Article II of Chapter 2 of the Midland Code of Ordinances for street reconstruction on Washington Street; and

WHEREAS, funding for this project is provided by the Major Street Fund; now therefore

RESOLVED, that the low sealed proposal submitted by Pyramid Paving Co. of Bay City, Michigan for the "2017 Washington Street Reconstruction; Contract No. 12", in the amount of \$203,523.55 is hereby accepted and the Mayor and the City Clerk are authorized to execute a contract therefore in accord with the proposal and the City's specifications; and

RESOLVED FURTHER, that the Interim City Manager has the authority to approve change orders modifying or altering this contract in an aggregate amount not to exceed \$20,000.

YEAS:

NAYS:

ABSENT:

I, Selina Tisdale, City Clerk, City of Midland, Counties of Bay and Midland, State of Michigan, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by a       yea vote of all the Councilmen present at a regular meeting of the City Council held Monday, May 22, 2017.

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Selina Tisdale, City Clerk

101

TYLER

HEATHERMURK UK

HOLLYBROOK DR

MC KINLEY

**ADAMS**

AVALON

TANWOOD

CLAREMONT

SHOAL

CRK

PEPPERMILL

## SETTLERS

---

PASSAGE

WOOD POINTE

# WASHINGTON

# WHEELER

WHI SPERING OAK

REDFERN

FOXPOINT

VAN BUREN

COOLIDGE DR

CAPITOL DR

BUCHANAN DR

WILSON

HARDING

DR

OTTAWA

SHAWNEE

HURON

# CHATHAM

KINGSTON

CONCORD

E MEADOWBROOK DR

MATTES DR

YUKI

2

PLYMOUTH

# WASHINGTON RECONSTRUCTION

## WHEELER TO ADAMS